PARLIAMENTARY DEBATES

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HOUSE OF COMMONS

OFFICIAL REPORT

FOURTH SESSION OF THE FIFTY-FOURTH PARLIAMENT
OF THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
FIFTY-EIGHTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SESSION 2008–2009

COMPRISING PERIOD
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OFFICIAL REPORT

IN THE FOURTH SESSION OF THE FIFTY-FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 11 MAY 2005]

FIFTY-EIGHTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES **VOLUME 496**

TWELFTH VOLUME OF SESSION 2008-2009

House of Commons

Monday 13 July 2009

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

DEFENCE

The Secretary of State was asked—

Afghanistan

1. **James Brokenshire** (Hornchurch) (Con): What recent assessment he has made of (a) internal and (b) external threats to the security of Afghanistan. [285621]

The Secretary of State for Defence (Mr. Bob Ainsworth): I start by paying tribute to the 15 brave men who tragically lost their lives in Afghanistan over the past 13 days. We have now lost 184 lives in the conflict, and each and every one of them is a terrible loss. The last week has been a hard week for those serving in theatre, but their resolve is incredible. In these tough times, they are determined to get on with their mission, and in the teeth of heavy resistance they are making progress. I urge colleagues in all parts of the House to be unfailing in our support for them. They deserve no less.

Progress is being made, but the insurgency remains resilient. The majority of people can go about their daily lives, but in certain areas of the country, in particular in the south and east, significant security challenges remain. In Helmand, British, Afghan, Danish, Estonian and American troops are currently engaged in major offensive operations to secure key population centres in the run-up to the Afghan presidential elections.

James Brokenshire: I join the Secretary of State and the whole House in paying tribute to the service personnel who lost their lives in recent days. They died serving their country and, to use those immortal words, for our tomorrows they gave their today.

Some of the greatest security threats that our service personnel face in Afghanistan are on the ground. Can the Secretary of State explain why he believes that the current provision of, and support for, helicopter cover is sufficient, particularly in the context of recent changes in policy and in the approach to operations in theatre, which put our troops' lives at greater risk?

Mr. Ainsworth: As we have said repeatedly, we have seen a huge uplift in the helicopter frames available to commanders, and also in helicopter hours: over the past two years, there has been an 84 per cent. increase. There will be more: by the end of the year, we will have the Merlin in theatre, and we will get some of the eight Chinooks out into theatre in 2010. The issue that the hon. Gentleman raises points up the problem; changes in how operations are being conducted have led to more ground operations, which cannot be conducted from helicopters. At the moment, troops involved in Operation Panchai Palang are clearing compounds and taking on the Taliban in one of their heartland areas. There has been hand-to-hand fighting, which, sadly, resulted in some of the deaths that took place over the past week or so. That cannot be conducted from inside a highly armoured vehicle or a helicopter.

Mr. Chris Mullin (Sunderland, South) (Lab): May I put it to my right hon. Friend that, tragic though all the deaths are, and although we must do as much as we can to minimise casualties, it is irresponsible and dishonest to pretend that if only the Government had provided this piece of equipment or that piece of equipment, all those lives could have been saved? That only serves to upset unnecessarily the grieving relatives.

Mr. Ainsworth: My hon. Friend is right. In the Sangin area, we have lost five people who were conducting a security patrol. Such patrols are vital, and are done from time to time. There was a pretty well-planned ambush set for our people. One cannot conduct those security patrols other than on foot. We lost a member of 4 Rifles who had just dismounted from a Mastiff vehicle. It is the most heavily armoured vehicle that we have in theatre, but our troops have to get out to engage with people and to deal with the insurgency. Our troops have to take those risks; they understand that. I think that the British public understand that, too. I appeal to Members of the House to accept that that is inevitable. It is our duty to supply the kit and equipment needed to keep people as safe as we can, but we cannot remove risk from that kind of operation.

Mr. James Arbuthnot (North-East Hampshire) (Con): I agree with what the Secretary of State just said, but when the Chancellor of the Exchequer said over the weekend that the Treasury would ensure that the Ministry of Defence was not short of money, what, in practice, did he mean? What new actions will the Secretary of State take to take the Chancellor up on his promise?

Mr. Ainsworth: My right hon. Friend the Chancellor meant, for example, that the Treasury has lifted the urgent operational requirements ceiling of £635 million, which was announced in December, to include another £101 million, so that we get the latest capability into theatre. Everything that we need for that theatre of operations, we will present, and we will make sure that we get what is needed to keep our troops as safe as they can be. At a time when we are involved in the most serious operations in theatre—not only ourselves, but the Americans—people are contrasting the kit and equipment that we have with the Americans', but our colleagues have lost more people over the past couple of weeks than we have, despite their great inventory.

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): I was in Afghanistan earlier this year and, talking to ordinary soldiers who have been on several tours of duty, I was struck by the fact that they were forming the view that we were losing the battle of hearts and minds, and that we had gone from being seen as a force liberating the Afghan people from the Taliban to being seen as an occupying force. Does the Secretary of State agree that vital to our winning the battle, however we define winning, is keeping the support of ordinary Afghan people?

Mr. Ainsworth: Absolutely. I have not personally come across that opinion out there, but I would not deny that there will be Afghans who hold that view. My hon. Friend is right. This operation will not be won by killing Taliban. It will be won by winning over the people—by protecting the people, and by the people accepting that we and the Afghan Government are on their side. That is the absolute priority of the new commander, General McChrystal, in the instructions that he is giving to forces of all nations in Afghanistan.

Mr. Michael Ancram (Devizes) (Con): If we are told, as we are now, that Helmand province contains Taliban heartlands, on what basis was it said on behalf of the Government before we deployed that it was hoped that not a shot would be fired? Was this not the beginning of a really serious misreading of the situation in Helmand, which is still continuing today and for which our armed forces are paying a heavy price?

Mr. Ainsworth: It never was said that there was hope of not a shot being fired. What was said—it was said from the Dispatch Box and elsewhere, and I remember that I was sat in that chair along there at the time—by the then Secretary of State was that we would be happy if not a shot were fired. He was responding to a question. He was expressing a desire, but he would not have been putting 16 Air Assault Brigade into a theatre of war if he thought that there would not be a little bit of trouble in the area.

John Reid (Airdrie and Shotts) (Lab): May I confirm what the Defence Secretary has just said? May I tell the right hon. and learned Member for Devizes (Mr. Ancram) that, no doubt inadvertently, he has just misled the House? I never at any stage expressed the hope, expectation, promise or pledge that we would leave Afghanistan without firing a shot. I did, however, insist that we would not be aggressors. We did not seek war. We did not go there as part of an invasion. For our part, we would be happy to go and work with the Afghan Government and leave without firing a shot. It was clearly in that sense that it was said, and I would be extremely obliged if that could be confirmed again from the Front Bench, and that Opposition Members would stop the misrepresentation of what was said when we went in.

Mr. Ainsworth: That is my memory of what I heard at the time. I have heard various forms of it ever since, but that is what I recall my right hon. Friend saying at the time.

Sir Menzies Campbell (North-East Fife) (LD): No one denies that these are difficult and dangerous operations, but surely that does not absolve us of the responsibility to do everything in our power to minimise casualties. Is not the fundamental problem for the Government the fact that there is no comprehensive strategy to deal with the military, political, economic and narcotics issues, and that until a comprehensive strategy is agreed and implemented, we will continue to struggle in Afghanistan?

Mr. Ainsworth: I would say two things to the right hon. and learned Gentleman. First, I keep hearing that there is no strategy. If people want to disagree with the strategy, that is fair enough, but please let no one deny that there is one. The strategy is about building up Afghan capability, both in security and in governance, so that the Afghans can get to a point where they are able to defend their own country from the insurgency and provide the basics for their own people. It will be a long time before they can do that. Afghan tax revenues doubled in the past year, but the Afghans will be dependent on international donations for a long time yet.

Secondly, there is a strategy, but let us not pretend that its existence will get us out of a situation where our people must take on a very ingrained insurgency right in the heartland. They know how important it is that they maintain control of those central Helmand belts. Our people are going in there and clearing the insurgency

from that heartland. That is why our people are fighting. They know how important it is—how utterly important it is—to hang on. Sadly, we have lost some people. The insurgency has lost a lot of people—

Mr. Speaker: Order. May I gently say to the Secretary of State that I know he is doing his best meticulously to respond to the points made, but that there is a balance and I am keen to get in as many colleagues as possible? I know that he will take account of that.

Mr. David Crausby (Bolton, North-East) (Lab): We are, I believe, winning the war in Afghanistan, but if we do not work together in political partnership, we will certainly lose the argument with the British people for the justification of the conflict. So does my right hon. Friend agree that any attempt to play politics or point score while our troops are laying down their lives is beneath contempt?

Mr. Ainsworth: I agree with my hon. Friend that we are making progress and going forward. The operations that are currently being conducted are at our instigation; they are offensive operations to clear the Taliban from a very important area, and we need to back our troops at this time.

Nick Harvey (North Devon) (LD): Does the Secretary of State agree that the objective in Afghanistan is ultimately political, and that the military battle is a precondition for achieving that? Eight years in, the Taliban have been contained to a terrorist insurgency and no longer fight as a standing army. How does the Secretary of State believe that the international community can shift from a predominantly military battle to a political battle? Is not the lesson of all other terrorist insurgencies that, ultimately, they have to have a political solution, alongside the military one, and that that is what is needed if we are to avoid General McChrystal's warning about winning tactical victories but suffering a strategic defeat?

Mr. Ainsworth: I think the hon. Gentleman is right. The military side of things can go as well as it likes, but unless we can make progress on those other strands, all will be for nought. There is not a single member of our armed forces who does not understand that, right down the chain of command. There is an election on 20 August, and it is important that it is credible; that it goes on to improve governance; that it goes on to provide better for the Afghan people; and that it goes on from a position not of weakness but of strength to hold out a hand to those parts of the insurgency that are prepared to come across, give up the armed struggle and involve themselves in politics.

Mr. Tom Watson (West Bromwich, East) (Lab): It is a very great shame that we are currently engaged in an unseemly media row about airlift in Afghanistan. The defence world will know what that is about. It will expect my right hon. Friend—I hope he agrees—to commit in future to put pressure on a Chancellor to maintain funding for defence; and it will expect the Opposition Front-Bench team to commit the current shadow Chancellor to end his shameful refusal not to commit even to existing defence spending.

Mr. Ainsworth: We need to maintain our support for our armed forces in the field. We need to do that through the core defence budget and through the UOR process, and we need to continue to get more protective vehicles and more helicopters into the field as soon as we are able to. I give my absolute assurance that I will do everything that I can to bring those dates as far forward as possible.

Dr. Liam Fox (Woodspring) (Con): On behalf of the Opposition, may I add my condolences to the families of the servicemen killed in the past week? Every single death is an individual tragedy, and our thoughts and prayers are with all the families and friends involved.

When the Government cut the helicopter budget in 2004 by £1.4 billion, was it a mistake?

Mr. Ainsworth: The hon. Gentleman goes back to a decision that was taken some time ago. We have made great strides to increase helicopter availability and capability, with a large degree of success over the past two years in Afghanistan. There are now 60 per cent. more helicopter frames and 80 per cent. more helicopter hours. Merlin is yet to be moved into theatre, and enhancements are possible both to Lynx and Chinook. That would make them better helicopters, more capable of dealing with a very difficult theatre.

Dr. Fox: I shall take that as a yes, shall I? People in this country understand the security need for our mission in Afghanistan and they understand that in wars there are casualties and fatalities. What they do not understand is why we are not doing everything we can to reduce the risks to our forces. We do need more and better armoured vehicles and we do need better ways of countering improvised explosive devices, but if we cannot move our forces by air, they will be more vulnerable on the ground. As Lord Guthrie, the former Chief of the Defence Staff, said:

"of course they need more helicopters. If there had been more, it is very likely that fewer soldiers would have been killed by roadside bombs".

Why is it that in Helmand, as Lord King pointed out, American forces have eight times as many helicopters for the number of personnel? How on earth did we get into such an unacceptable position? Who is to blame and how are we going to get out of this situation?

Mr. Ainsworth: I have heard the hon. Gentleman for a period of time, but I have yet to hear how he thinks we can get more helicopters into theatre. *[Interruption.]* Well, he is saying from the Dispatch Box that we ought to get as many helicopters into theatre as quickly as possible, yet I have heard him say nothing that indicates he could do that any quicker than we plan to.

I understand that on the radio this morning the hon. Gentleman said that we should look to our allies, and that is true. We are part of a coalition; it would be nonsense for anybody to suggest that we ought to be down on the fact that our American allies are assisting in Helmand. The hon. Gentleman cannot do the impossible; we will do everything possible to enhance the whole of the protective capability in Helmand province.

Defence Information Infrastructure

2. **David Taylor** (North-West Leicestershire) (Lab/Co-op): How many (a) contractors and (b) subcontractors his Department has used in the delivery of defence information infrastructure future accounts. [285622]

The Parliamentary Under-Secretary of State for Defence (Mr. Quentin Davies): We have a contract with EDS, which, in turn, has set up a consortium called ATLAS. It consists of EDS itself, Fujitsu, General Dynamics UK, EADS and Logica. Beyond that, there is a range of subcontractors with defined tasks, sometimes for limited periods of time. The selection and identity of those subcontractors are a matter for the consortium.

Mr. Speaker: Order. I say to the Under-Secretary that he needs to address the House as a whole, so that everybody can hear. I think that he has finished his initial answer.

David Taylor: The delayed agreement and sign-off of defence information infrastructure stage 3 is but the latest debacle for a benighted project that has already more than tripled in cost to more than £7 billion. A tight review of defence spending is imminent. Why are civil servants and politicians so obsessed with outsourcing public sector IT contracts, given that the logic and economics of extra costs and complexity point in precisely the opposite direction?

Mr. Davies: My hon. Friend is factually wrong on a number of those points. The budgeted costs certainly have not increased by 300 per cent., as he suggests; there has been a much more limited increase of about £180 million out of the £7.1 billion. I have to say to my hon. Friend that this project is going to save money in comparison with legacy methods of fulfilling the same role. That is very important. Also, it is an absolutely essential part of modern warfare that we should have effective, secure communications, linking all aspects of our armed forces, at home and abroad in theatre. That is part of the network-enabled capability to which we are committed.

Mentoring

3. **Mr. Edward Leigh** (Gainsborough) (Con): What assessment he has made of the outcomes to date of trials of the mentoring scheme for vulnerable service personnel during basic training. [285623]

The Minister of State, Ministry of Defence (Bill Rammell): A pilot mentoring scheme is in place at Catterick garrison to provide light-touch mentoring to early service leavers judged to be vulnerable; it is designed to help them to transition to and cope with civilian life. In addition to the normal support given when leaving the service, the pilot scheme provided additional telephone support, guidance and encouragement for six months, post-service termination. Early indications are that a number of leavers have found that helpful.

Mr. Leigh: On the subject of training, the Public Accounts Committee was told last week that 48 per cent. of soldiers and Royal Marines receive only a five-day pre-deployment training for Afghanistan, rather than the full training with their units. Is it right to send soldiers into Afghanistan with so little training?

Bill Rammell: I assure the hon. Gentleman that everything is done to ensure that our service personnel receive adequate training both before they leave theatre and when they are in theatre. The safety and security of our servicemen is our highest priority.

Mrs. Madeleine Moon (Bridgend) (Lab): The mentoring service must also be available for the young men who do not make it through their initial training. Earlier this year, Professor Nav Kapur published his study of more than 230,000 young people who left the service over a 10-year period, and discovered that those most vulnerable, particularly to suicide, were those who had not finished their initial training or had served only for a very short period. Can we be assured that within initial training and within the mentoring service there will be a focus on advising young men, especially, of the need to seek help, advice and support should they suffer any mental health problems?

Bill Rammell: Certainly through our recruitment and training procedures we seek to ensure that all the appropriate advice, support and training are available. The pilot scheme is targeting service personnel who leave early and who are deemed to be vulnerable, and the initial indications are that it is proving successful. We need to get the end of the pilot scheme and see how it could be rolled forward.

Afghanistan

4. **James Duddridge** (Rochford and Southend, East) (Con): What recent estimate he has made of the projected costs of military operations in Afghanistan in each of the next three years. [285624]

The Secretary of State for Defence (Mr. Bob Ainsworth): The estimated financial cost of operations in Afghanistan for this financial year is £3.5 billion, as recently published for the first time in the MOD's main estimates. The cost of military operations is dependent on a number of variable factors that are difficult to predict, including changes to operational tempo and the conditions in theatre at the time. We do not, therefore, attempt to project costs for the subsequent two years.

James Duddridge: Following the Chancellor's pledge over the weekend that our forces will have whatever they need, how does the Secretary of State anticipate funding future operational requirements, given that in future years his ministry will have to pay back every penny over £635 million that it spends on urgent operational requirements? Is that not a case of robbing the future to pay for the military today?

Mr. Ainsworth: We have not gone over those limits, and therefore there is no need for a repayment. I have just announced to the House that the £635 million limit has been raised by a further £101 million; that is some indication that the Chancellor is trying to assist.

Mr. Stephen Hepburn (Jarrow) (Lab): But in assessing those costs, does the Minister acknowledge that there are real, understandable doubts among the general public, not about our being in Afghanistan but about whether we have the required number of troops and the right sort of equipment to let them carry out their tasks? Could he respond to the public's concerns?

Mr. Ainsworth: My hon. Friend will recognise that the number of troops and the costs of the Afghan mission have gone up considerably in the past three years. However, I get the opportunity, which many others in the House do not, to go out to theatre on a regular basis, and I meet troops back here, and I hear repeatedly that the equipment that they have has been improved massively over the past couple of years.

Mr. David Laws (Yeovil) (LD): The Secretary of State said a moment ago that Merlin and Lynx Mk 9 helicopters are being prepared for use in Afghanistan, but what further steps is the Department considering to ensure that helicopter needs in Afghanistan are met in future?

Mr. Ainsworth: We are planning a spend of about £6 billion on helicopters over the coming years. We need to try to spend that as wisely as we can to ensure that we have no capability gap, particularly when our people are involved in the operations that they are today.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): The Secretary of State rightly says that it is difficult to anticipate the precise costs, but airlift is clearly one of the areas where we have capacity constraint. Given that Germany currently provides 70 per cent. of ISAF's airlift capacity but is severely constrained by the national caveats, is he having discussions with the Germans to try to lift them?

Mr. Ainsworth: We try on every occasion to encourage our NATO allies to do the absolute maximum. There is little doubt that we are pulling our weight in the Afghan theatre or that the operation is absolutely vital to our safety back here in the UK and to NATO's credibility, so we hope and press all the time for our allies to do whatever they can to ensure success.

Mental Health

5. **Nadine Dorries** (Mid-Bedfordshire) (Con): What recent estimate he has made of the number of current and former armed forces personnel likely to experience mental illness during the next 10 years as a result of their military service. [285625]

The Parliamentary Under-Secretary of State for Defence (Mr. Kevan Jones): Some 0.1 per cent. of regular service personnel are discharged annually for mental health reasons of whatever cause. The King's Centre for Military Health Research is undertaking an MOD-funded study of mental health disorders in both the serving and veteran community. The results will be available towards the beginning of next year and will inform mental health policies. In addition, evaluation of the six community-based NHS mental health pilot schemes will help to define the population at risk, the levels of need and the support required for those communities.

Nadine Dorries: As the Minister is aware, post-traumatic stress disorder is as debilitating and as distressing as any physical injury, and many of our troops are returning with PTSD. According to a recent survey, only 71 per cent. of GPs are even aware of the MOD's medical assessment programme. What are the Government doing to improve on that shocking statistic?

Mr. Jones: I am very grateful for that question. I stress that the number of individuals suffering from PTSD is very small, but I am on record as saying that each case is a personal tragedy for that individual. I am working on two levels, first to ensure that GPs know about the mental health pilots and secondly, with the Department of Health, to consider a veterans tracking system so that we can track veterans through the health system. If the hon. Lady or any other Members would like to visit one of the mental health pilots or the medical assessment programme at St. Thomas's hospital, I would be quite willing to arrange that.

Mr. Brian Jenkins (Tamworth) (Lab): My hon. Friend is aware that it often takes ex-service personnel up to 13 years to present themselves for treatment under a mental health programme. What can we do to take away the attitude, which is not unusual among the military in this country, that presenting themselves for some form of mental health treatment is in some way a disgrace? Every single military serviceman who needs our help should present themselves and have a check before they go into civilian life.

Mr. Jones: My hon. Friend makes a very important point. Unfortunately men, especially young men, are terrible at recognising mental health problems. I pay tribute, however, to all three services for raising the matter of mental health in-service. TRiM—trauma risk management—is a system of self-assessment pioneered by the Royal Marines, and it is ensuring that mental health problems do not carry a stigma and that people are not ashamed of reporting them. Working with veterans organisations and the NHS on six mental health pilots, we can ensure that there is help for veterans whenever mental health affects individuals.

Dr. Andrew Murrison (Westbury) (Con): The US Administration have put in place a $900 million PTSD programme, including comprehensive mental health screening for the operational military. Our Government have not. One could be forgiven for supposing that British combat stress and American combat stress were completely different disorders. Can the Minister say how much we have spent on PTSD, why clinical awareness of it continues to flatline and why there is no mental health screening programme for our returning veterans?

Mr. Jones: I do not accept that there is no mental health screening for our returning veterans. It is important to recognise that the King's Centre has undertaken much research, as have the Americans. One thing that it indicates is that mental health screening pre-deployment is not effective and may actually cause more problems than it solves in the population in question. That goes right back to the second world war.

A small number present with PTSD. On the number who present with it in the US, there are question marks over how the operational tempo of the United States is different from ours. I know that our US counterparts and the Surgeon General are working together to examine comparative data. Recently, a team was over from the US to look at how we treat mental health in the armed forces and in our veterans community.

Nuclear Deterrent

6. **Mr. Greg Hands** (Hammersmith and Fulham) (Con): What progress his Department has made towards procurement of the next generation of the nuclear deterrent; and if he will make a statement. [285626]

The Secretary of State for Defence (Mr. Bob Ainsworth): The Government are committed to the current nuclear deterrent and to the development of a replacement system. Good progress is being made in completing the actions set out in the 2006 White Paper "The Future of the United Kingdom's Nuclear Deterrent".

Mr. Hands: The Secretary of State mentions the 2006 White Paper, but Tony Blair told the House in December 2006 that Britain could maintain its minimum strategic deterrent while reducing the number of warheads from 200 to 160. Less than three years later, the current Prime Minister seems to be offering to reduce that number to below 160 warheads. How can he do that while maintaining a minimum level of deterrence?

Mr. Ainsworth: The Prime Minister also made it clear that he was committed to maintaining the nuclear deterrent. We need to try to make an appropriate contribution to any multilateral nuclear proposition, while at the same time ensuring that we have a credible minimum nuclear deterrent. The entire Government—not only the defence team—are committed to doing that.

Mr. Jim Devine (Livingston) (Lab): In view of the impact of the recession and of President Obama's meeting last week with the President of Russia, when they committed themselves to reducing their nuclear warheads by 500 each, is it not about time we publicly stated that we are not going to upgrade Trident?

Mr. Ainsworth: No, it is not. If my hon. Friend wants to look at the record since we came to power, he will see that we have made significant reductions in our deployable nuclear capability. We have made a significant contribution to the reduction of nuclear weapons and we will obviously seek to be constructive when any propositions are made, but within the parameters of maintaining the British nuclear deterrent.

Dr. Julian Lewis (New Forest, East) (Con): Can the Secretary of State confirm whether any future nuclear deterrent that involved reliance on nuclear-armed Cruise missiles, as some recommend, would be compatible with the provisions of the 1987 intermediate-range nuclear forces treaty?

Mr. Ainsworth: As the hon. Gentleman knows, we considered different methods of maintaining the nuclear deterrent during the White Paper process. We decided—I think for good reasons of invulnerability—to stick with the ballistic missile system based on submarines. That is what we intend to do.

Jeremy Corbyn (Islington, North) (Lab): Does the Secretary of State think it a good idea to commit ourselves to expenditure, during the lifetime of a new Trident, of £76 billion, ahead of the nuclear non-proliferation treaty review conference next year and in the face of a declared aspiration by President Obama, which is shared by the Government, of a nuclear-free world? Would not a better contribution be not replacing Trident?

Mr. Ainsworth: My hon. Friend's views are well known and have been consistent over the years. I am glad they have not changed, but he knows that I disagree with him. I have done so in the past and I still do.

Procurement

8. **Angela Watkinson** (Upminster) (Con): What plans he has to improve procedures for major defence procurement projects. [285628]

The Parliamentary Under-Secretary of State for Defence (Mr. Quentin Davies): We keep our procedures under constant review, and are currently introducing further improvements.

Angela Watkinson: I thank the Under-Secretary for his answer, but the main investment decisions on Terrier, Soothsayer and the new naval satellite communications terminals were made in 2001, on the introduction of smart acquisition, yet those very projects suffered the greatest slippage in 2007-08. Why?

Mr. Davies: As the hon. Lady knows, we have a substantial defence procurement programme, which we keep under constant review. One of the improvements to which I alluded is a more robust attitude to failure. The hon. Lady will see the results of that before too long.

Mr. David Clelland (Tyne Bridge) (Lab): Procuring the right up-to-date equipment is vital for our troops, but it can also provide skilled work for British workers, not least in my constituency at BAE Systems in Scotswood road in Newcastle. What prospect is there of an announcement early in 2010 on the future rapid effect system—FRES—the Warrior upgrade and the Scout and AFV support vehicles?

Mr. Davies: Just a week ago we issued draft invitations to tender for two important land vehicle projects. One is for the Scout vehicle and the other is for the Warrior upgrade. I remain hopeful that we can sign contracts for those two vehicles early next year, following the invitations to tender, the responses to those, which we have asked for by October, and our evaluation of those bids.

Mr. Angus MacNeil (Na h-Eileanan an Iar) (SNP): Good procurement depends, of course, on maintaining the best test centres. Some 6,500 defence-related jobs have gone in Scotland since 1997. No other political party supports the Government's pondering of cutting 125 jobs at the Hebrides range in Uist. Will the Minister banish the uncertainty and tell us that those jobs, at Europe's best missile testing centre, are safe? This Government will not be forgiven in Scotland if they go.

Mr. Davies: There is no question of degrading our testing facilities. The issue is whether it is more efficient to control all those ranges from one place, which modern IT makes a feasible possibility, and we would be irresponsible not to consider that. I have received a number of representations from Scotland that I greatly

respect, and I have agreed to look at them. I have also agreed to visit the sites and to talk to local employees. We will not take any decisions until that has been completed.

Mr. Gerald Howarth (Aldershot) (Con): Two years ago, the current Secretary of State said that all six ex-Danish Merlin helicopters would be operational by 2008, yet it now seems that they will not be available until the end of this year at the earliest. Given the widespread criticism of the Government's failure to provide sufficient helicopters, how does the Minister justify yet another 12-month delay in a critical programme?

Mr. Davies: I do not accept that we have failed in producing helicopter capability in Afghanistan. The Secretary—*[Interruption.]* No, my right hon. Friend the Secretary of State has just set out some of the figures, including an 80 per cent. increase in the availability of helicopter hours over the past two and a half years. We also have an enormous programme of procurement of new helicopters: there are the Danish Merlins and the—*[Interruption.]* I am coming to that in a second. There are the Merlins that are coming back from Iraq and being fitted up to theatre-entry standard for Afghanistan, as well as the prospect of the eight Mk 3 Chinooks, which will be available for operations again by the end of this year. There is also the re-engining of the Lynx helicopters and the prospect of Wildcat, which is being manufactured. That is a very good record. As for the Merlins from Denmark, they are being upgraded to theatre-entry standard as rapidly as possible. I cannot responsibly force through such procedures more rapidly than the experts can deliver them. Indeed, that would be an extremely dangerous thing to do.

Trident

9. **Danny Alexander** (Inverness, Nairn, Badenoch and Strathspey) (LD): When he expects the initial gate decision on the planned replacement of the Trident nuclear deterrent to be made; and if he will make a statement. [285629]

The Secretary of State for Defence (Mr. Bob Ainsworth): We currently expect to consider initial gate later this year.

Danny Alexander: I am grateful to the Secretary of State for that answer. However, given that a number of people, including retired military officers, former Defence Secretaries and academics, are now saying that Trident is both irrelevant and unaffordable, will the Secretary of State defer the initial gate process and the hundreds of millions of pounds that it would commit us to spending until a further, full debate in this place that takes into account the new financial and strategic circumstances?

Mr. Ainsworth: Initial gate does not entail the commitments that the hon. Gentleman talks about, and the answer is no.

Economic Situation

11. **Mr. Alan Reid** (Argyll and Bute) (LD): What assessment he has made of the effect on UK defence expenditure and capabilities in the long term of the current financial situation. [285631]

The Secretary of State for Defence (Mr. Bob Ainsworth): The available resources for defence expenditure are set during spending rounds. The most recent comprehensive spending review set the Department's budget for the financial years 2008 to 2011. The Department's expenditure plans after 2010-11 are not yet agreed. We review the detailed allocation of the defence budget during regular planning rounds to ensure that we match available resources to defence priorities and commitments.

Mr. Reid: I thank the Secretary of State for that answer. We recently found that the carriers would require an extra £1 billion. Can he tell us whether the Government are fully committed in all circumstances to a like-for-like replacement for Trident and to two new aircraft carriers and, if they are, what their strategy is for ensuring over the next 20 years that the Ministry of Defence can provide the resources required to ensure that our troops are fully equipped for all the challenges that they face?

Mr. Ainsworth: There seems to be a little contradiction between the hon. Gentleman and the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Danny Alexander), who is sitting right next to him—

Dr. Julian Lewis (New Forest, East) (Con): They are Liberals!

Mr. Ainsworth: Indeed, and this is not unusual.

As I have just said, we are committed to Trident and to the carriers. There has been an increase in the programme costs of the carriers, as the hon. Member for Argyll and Bute (Mr. Reid) suggests, but we are committed to both projects.

Equipment Renewal

12. **Peter Luff** (Mid-Worcestershire) (Con): What recent assessment he has made of the effectiveness of his Department's spending on equipment renewal; and if he will make a statement. [285632]

The Parliamentary Under-Secretary of State for Defence (Mr. Quentin Davies): The effectiveness of our spending on defence procurement is being enhanced all the time. Ever since the reforms involving smart acquisition and smart procurement at the beginning of the history of this Government, its effectiveness has been very good by international standards. As I have already explained, we are now considering further improvements.

Peter Luff: But what estimate has the Minister's Department made of the additional cost to its core budget of greater-than-planned levels of equipment usage in Afghanistan?

Mr. Davies: We are looking at this at present. We do not have any firm response to that question, but we are undertaking a study of the matter. It involves a complicated calculation, as the hon. Gentleman probably accepts.

Topical Questions

T1. [285646] **Tony Lloyd** (Manchester, Central) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for Defence (Mr. Bob Ainsworth): The Department's responsibilities are to ensure that our country is properly defended, now and in the future, and that our service personnel have the right equipment and training to allow them to succeed in the military tasks in which they are engaged, either at home or abroad.

Tony Lloyd: I thank my right hon. Friend for his response. May I place on the record my thanks to his ministerial colleagues for their courtesy in dealing with the Nimrod replacement programme? May we also have a clear statement that BAE Systems will have an opportunity to bid for the refitting of the MRA4s with the Helix system, and that such a bid will be properly assessed before any final decision is made about the efficacy of other bids?

Mr. Ainsworth: I thank my hon. Friend for his question. I know that he has been hugely interested in this matter for some time. We are ready to receive a Nimrod-based bid from BAE Systems. We wrote to the company on 15 June, asking if it planned to make an unsolicited bid. To date, we have not received a response, but I can assure my hon. Friend that if the company makes a bid, it will be considered objectively. However, it does not have for ever in which to do so. We need to consider the decision around the end of the year.

T3. [285648] **Mr. Andrew Robathan** (Blaby) (Con): The Secretary of State said earlier that the strategy in Afghanistan was about building up Afghan capability to the point at which the Afghans could defend their own country. I am sure we would all agree with that. When I was there in February with the hon. Member for Hackney, North and Stoke Newington (Ms Abbott), the tactics seemed to involve deploying troops by day and withdrawing to defensive positions by night. Will the Secretary of State tell me whether he thinks that both the strategy and the tactics are working? My question is not meant to be hyper-critical; this is a matter of real concern to all of us who are concerned about our troops and our country.

The Minister of State, Ministry of Defence (Bill Rammell): I believe that the strategy and the tactics are working; we are facing an extraordinarily difficult set of challenges, however. The hon. Gentleman's point about increasing the capacity of the Afghan forces is absolutely key. There are 90,000 troops in the Afghan national army; over the next couple of years, that figure will increase to 134,000. In the meantime, we are right to pursue the approach we are pursuing—taking back and reclaiming ground from the Taliban, bit by bit, so that we can spread the authority of the Afghan national army and its Government.

T2. [285647] **David Taylor** (North-West Leicestershire) (Lab/Co-op): For there to be 15 UK fatalities in 10 days is a dreadful tragedy for the families concerned and for the armed forces, but it is truly desperate when an Opposition leader exploits such catastrophes for party political gain. Does not the right hon. Member for Sheffield, Hallam (Mr. Clegg) owe military families with loved ones serving in Afghanistan a sincere apology for his nakedly opportunistic reaction this weekend to the awful surge in British military deaths in that chronically unstable state?

Mr. Ainsworth: My hon. Friend must accept that we all need to make the maximum contribution to maintaining the cross-party support that our operations in Afghanistan have enjoyed over the years. We should not allow any tensions that might have arisen over the past few days to dent that. I was out in Afghanistan just over a week ago, and I was enormously pleased to be able to say to the troops in theatre that they enjoy cross-party support in this House for what they are doing. Let us all try to do everything we can to make that a reality.

T4. [285649] **Nadine Dorries** (Mid-Bedfordshire) (Con): I wonder how many troops the Minister believes we need on the ground in Afghanistan in order to achieve our objectives. Does he believe that the Chief of Staff, General Dannatt, is the man who knows best what is happening in Afghanistan or is it a man in a Westminster office?

Bill Rammell: We have rightly increased our troop numbers from 5,500 to 9,000. I think that that was the right thing to do, but we are also there as part of a multinational coalition—of 42 nations working together on this challenge—so the idea that we alone are responsible for facing up to that challenge is, I believe, fundamentally wrong.

T7. [285652] **John Robertson** (Glasgow, North-West) (Lab): Back in March, I asked the Under-Secretary of State for Defence, my hon. Friend the Member for Grantham and Stamford (Mr. Davies), about the MARS—military afloat reach and sustainability—project. He said earlier that the most important thing was to get the contracts for the carriers up and running. Now that we have the steel cut—I thank him on behalf of the Clyde—is it not time to look at the MARS project to add the extra work that is so dearly needed for the years to come?

The Parliamentary Under-Secretary of State for Defence (Mr. Quentin Davies): We are looking at the MARS project, but I do not want my hon. Friend to be under any illusion about it. Where building war-fighting vessels such as the carriers or the Future Service Combatant, which will come on line after the carriers, are concerned, we have made a strategic decision as part of the defence industrial strategy to ensure that those ships are built—and, of course, subsequently supported—in this country. Where we are talking about logistic support ships or tankers, however, that does not apply, as we need to get the best value for money. It would thus be quite wrong to say that those ships are being reserved for the shipyards in the Clyde or elsewhere in the UK, but that does not mean that British shipyards would not be most welcome to bid for them—indeed, we would be delighted if they did and if they won a contract on a best-value basis. I must make it clear, however, that when we procure those ships, it will be done on that basis.

T5. [285650] **Mr. Tobias Ellwood** (Bournemouth, East) (Con): I have just returned from a visit to Afghanistan and I have nothing but praise for our forces working in Helmand province. I have to say, however, that I think this Government should hang their heads in shame for sending our troops out to a war without enough manpower or heavy-lift helicopters. Let me ask the Secretary of State what will happen when the fighting

stops and Babaji is declared clear. What is our plan for reconstruction and development? I asked a series of senior officers and not one of them had any idea of what was going to happen once the bullets stopped flying. I urge the Secretary of State to look into this. He has a budget of £2.6 billion, and the Department for International Development has £166 million and that—

Mr. Speaker: Order. Topical questions need to be brief, as do the answers.

Bill Rammell: The shadow Secretary of State for Defence confirmed his view this morning that, tragically, no amount of helicopters would have saved the lives that were lost last week. I think we should conduct this discussion on the basis of the facts and a rational approach. On nation building and reconstruction, we are committed and we are increasing the capacity of the Afghan national army, the police, the courts and the judicial system to spread the authority of the Afghan Government. That is the right approach.

Paul Flynn (Newport, West) (Lab): When the bullets stop flying, the hated Karzai police will move back in with their dreadful record of exploitation of the population, extortion, robbery, drug use and drug trafficking. Worst of all is the practice of "bacha bazi", which is the sexual exploitation of young boys. How is that a way to win hearts and minds?

Mr. Ainsworth: My hon. Friend has strong views, which he has expressed over a period of time. Let us not deny that the situation in Afghanistan is less than perfect. We have to strive to improve it, but some of the abuses perpetrated under the Taliban regime when it was in power were utterly appalling and pretty comprehensive—and still are in those areas where the Taliban hold sway. My hon. Friend, I would have thought, should temper his views with regard to the Karzai Government.

T8. [285653] **Mr. Alan Reid** (Argyll and Bute) (LD): The Government, in their disposal of the former RAF Machrihanish, have the twin aims of obtaining value for money and helping to stimulate the local economy. Can the Minister update me on progress made there? What consideration has been given to the possibility of a community buy-out?

The Parliamentary Under-Secretary of State for Defence (Mr. Kevan Jones): As with any other surplus land belonging to the MOD, the aim is to obtain the maximum possible value for money, but, as I said when I last wrote to the hon. Gentleman, it is also important to ensure that there is a community buy-in. I shall be happy to meet him and local authorities to discuss how the disposal of the site can provide the maximum economic benefit for the local community as well.

Alison Seabeck (Plymouth, Devonport) (Lab): As my hon. Friends will know, the British public understand very well how many casualties are occurring among the British forces in the offensive in Afghanistan but are less aware of the losses being experienced by our allies, the Afghans and others—and, indeed, of those being experienced by the Taliban. Are any estimates available?

Bill Rammell: I cannot give precise figures, but I think my hon. Friend is right. There have been casualties across the coalition, and their numbers are equally significant to the numbers we have lost. That underlines the fact that we have arrived at a critical phase of the campaign. We are harming the Taliban—that is why they are fighting as strongly as they are—and we need to keep pursuing our current strategy to ensure that we can succeed.

T9. [285654] **Mr. David Heathcoat-Amory** (Wells) (Con): We have seen today how pressed our infantry is in Afghanistan. Do the Government agree that to keep a world-class army in tip-top condition in such difficult theatres requires very difficult expenditure decisions, and that we may have to postpone or cancel some big-ticket capital expenditure items elsewhere? Will the Government therefore bring forward their review of defence expenditure, rather than postponing it to the other side of a general election?

Mr. Ainsworth: We face an acute dilemma. We have to strike a balance between giving the required priority to the operations in which we are now involved—difficult as they are, as the right hon. Gentleman says—and trying to ensure that we can respond to the many threats we may well face in the coming years. That is quite properly the province of a strategic defence review. I believe that the right hon. Gentleman's party is committed to such a review in 2010, as are the Liberal Democrats and as are we.

Mr. Jim Devine (Livingston) (Lab): Can my hon. Friend define what victory in Afghanistan would mean?

Bill Rammell: The strategy is about ensuring that this country is safe. If that is to happen, we need sufficient capacity in the Afghan national army, police and Government, so that the Government of Afghanistan can bring about security in their country for themselves.

Mr. Michael Mates (East Hampshire) (Con): Does the Secretary of State share my disappointment at the fact that we seem to be losing the argument about Trident purely because of the financial bill? Would it not be better if, rather than his giving us holding replies as he did today and referring back to 2006, we started an open debate about the strategy and the options—as suggested by my hon. Friend the Member for New Forest, East (Dr. Lewis)—so that people can begin to understand why we need it?

Mr. Ainsworth: I think that the debate has already started. As the right hon. Gentleman knows, there is quite a debate raging in his own party about the future of the Trident nuclear weapon. The defence team has one view, while the Treasury team appears to have another. However, there is a need for a debate on defence across the piece. That is why I announced the other week a process to produce a Green Paper on defence capability. I hope that we can conduct that process in a cross-party manner, and that as many people as possible will become involved in a non-partisan way.

Mr. Nicholas Soames (Mid-Sussex) (Con): Will the Secretary of State confirm that he will not cut any regiments of the infantry, so that we have enough boots on the ground to do the job?

Mr. Ainsworth: There are no plans to cut any infantry regiments.

Ann Winterton (Congleton) (Con): Is not one of the greatest threats to the security of Afghanistan the incompetence and abject failure of reconstruction projects which are imposing intolerable burdens on our security forces?

Bill Rammell: Health centres are open, schools have been rebuilt and girls are at school in Afghanistan today, and that simply was not the case in 2001. Yes, we face significant challenges, but I think that hon. Members understate the progress we are making if they deny that reality.

Willie Rennie (Dunfermline and West Fife) (LD): Is it good value for money to spend an additional £1 billion on the aircraft carriers without creating one extra job or any additional capability on those carriers? Will the Secretary of State guarantee that there will be no further delays in the construction of these carriers?

Mr. Quentin Davies: The carriers are proceeding well. The first carrier had its first steel cut last week in Govan, and it was a great privilege to be there and to see the excellent morale in the shipyards. I have no reason to suppose that there will be any delay in that programme. As the hon. Gentleman knows, we have re-profiled the programme in order to align it better with the introduction of the joint strike fighter, the aircraft that is going to fly off those two new carriers.

Mr. Bernard Jenkin (North Essex) (Con): May I put it to the Secretary of State that, with the appointment of General McChrystal as supreme commander in Afghanistan under President Obama, the Americans and the British are in fact embarked on a new strategy of which Operation Panther's Claw is a part? Will we not know in just a few short months whether we are able to win the hearts and minds of the ordinary Afghan; if not, will we not have to rethink what we are doing in Afghanistan?

Mr. Ainsworth: General McChrystal is involved in an initial review of the situation in Afghanistan. It is a 60-day review, and we are completely and absolutely plugged into that process. We will want to see and be able to respond to his findings, but the election process that will follow very soon thereafter is of course of massive and vital importance. The hon. Gentleman is absolutely right that this is a particularly crucial time for the future of Afghanistan, and, therefore, for the future of our involvement in that country.

G8 Summit

3.31 pm

The Prime Minister (Mr. Gordon Brown): This has been a sad and difficult time for our armed forces and for our country, and I am sure the whole House will join me in sending our sincere condolences to the families and friends of the servicemen killed in Afghanistan in the past few days: Rifleman Daniel Hume, 4th Battalion the Rifles; Private John Brackpool, Prince of Wales's Royal Regiment; Riflemen Daniel Simpson, Joseph Murphy, James Backhouse and William Aldridge and Corporal Jonathan Horne, all of the 2nd Battalion the Rifles; and Corporal Lee Scott, 2nd Royal Tank Regiment. Riflemen Murphy, Backhouse and Aldridge were just 18 years of age. It is at times of loss and sadness such as these that we become ever more aware of the service and the sacrifice our armed forces give for our country. We owe them, and all those who have been killed or wounded in conflict, a huge debt of gratitude.

I want to make a statement about the conclusions of the G8 meeting, the major economies forum on climate change, and our outreach meetings with African leaders, and to thank Prime Minister Berlusconi for his organisation of the G8 and related summits, but first I will focus on one of the most important and urgent matters considered in detail at our G8 meeting. This is a time of great challenge for our armed forces serving in Afghanistan. I have written to the Chair of the Liaison Committee and placed a copy of the letter in the Libraries of both Houses, and we are also making time available on Thursday for a debate on Afghanistan, but perhaps, Mr. Speaker, following the G8 discussions I could take this opportunity to update the House on our current strategy and operations in Afghanistan, alongside 40 other nations, and our work with Pakistan.

Eight years ago, after 11 September 2001, the case for intervention in Afghanistan was clear: it was to remove the Taliban regime and deprive al-Qaeda of a safe base for terrorist plots that were a threat to countries around the world. In 2009, the case for our continued involvement is the same: to prevent terrorist attacks here in Britain and across the world by dealing with the terrorist threat at its source—that crucible of terror on the border and mountain areas of Afghanistan and Pakistan. We must not forget that three quarters of terror plots against the United Kingdom have roots in these areas.

To succeed, we must succeed both in Afghanistan and Pakistan, so our strategy, which I set out to the House in April, reflects an integrated approach to both countries. If progress in one is to be sustainable, we must have progress in both, and progress requires three things: military action against terrorists and the insurgency; action to build the rule of law; and economic and social development to give local people a stake in their future.

In the last few months, the Pakistan Government have taken action, launching successful operations to drive out the Pakistan Taliban from the Swat and Buner regions. While the overwhelming majority of the Pakistani people fully support their Government's actions, operational success has come at a high humanitarian cost, with about 2 million displaced people. As we must ensure that this does not become a pretext for radicalisation, we are helping to lead in providing humanitarian assistance to Pakistan—as are other G8 countries—for these internally displaced people, combining our support for Pakistan's security and military forces with development assistance and help with reconstruction.

In Afghanistan, international forces must take the lead on the front line, because the Afghan army and police are not yet able to maintain control alone. Again, our strategy is to combine coalition military action with civilian support for development and training the Afghan forces to take more control.

As the House knows, British troops are today involved in a major military operation—Panther's Claw—fighting to bring security to areas in central Helmand until now beyond the reach of the Afghan Government. American forces are engaged in a similar, co-ordinated operation in the south of the province. We are combining our military advance with civilian action. When we go into the towns and villages and districts in Helmand, our forces are supported by the Afghan army and police who, with our help, can hold the ground that we are clearing, and prevent the Taliban from returning. Our civilian and military stabilisation experts work with Governor Mangal and his district governors to follow up with plans for new roads, clean water and other basic services including, above all, justice—not the mediaeval brutality of the Taliban, but the rule of law.

Earlier this year we announced an increase in our numbers for the summer campaign and the Afghan election period to around 9,000. Today, the figure on the ground is just above 9,100, as commanders rotate troops that have been fighting at peak intensity—it is right that those operating in the most arduous conditions are given respite when they need it. We keep our force levels under constant review, depending on the operational requirement, and I have been reassured by commanders on the ground and at the top of our armed services that we have the manpower we need for the current operations.

I spoke with President Karzai yesterday. He expressed his condolences at the loss of precious lives in Helmand, and I urged him to make available this summer—in addition to the 500 already involved in Panther's Claw—more Afghan army personnel for operations in Helmand, so that our hard-won gains can be fully consolidated.

Our troops will continue to face a tough and dangerous battle, and we will continue to give their safety the highest priority. Since 2006-07, we have increased funding for the Afghan operation year on year, from the Treasury reserve and in addition to the defence budget, from £700 million in 2006-07; to £1.5 billion in 2007-08; to £2.6 billion in 2008-09; and to more than £3 billion this year—over and above the defence budget of £30 billion. The Chancellor has made it clear that all operational requirements will be met.

In the last two years, we have increased helicopter numbers by 60 per cent. and because we have provided more crews and equipment we have increased capability by 84 per cent. Since 2006, we have spent more than £1 billion in urgent operational requirements for vehicles, including 280 Mastiffs, which offer world-leading protection against mines and roadside bombs. We will go further this year with the deployment of the new Ridgeback vehicles and Merlin helicopters. We have also just agreed a £100 million programme for the upgrading of Chinook helicopters.

The Chief of the Defence Staff has said that

"the British armed forces are better equipped today than they have been at any time in 40 years".

[The Prime Minister]

But we are not complacent. Our troops operate in a dynamic, ever-changing environment. This Government, and our military commanders, recognise the need to adapt as conditions develop.

Despite the tragic losses of the last two weeks, our commanders assure me that we are having a major impact on the Taliban in central Helmand and that morale among our forces is high. Our brave servicemen and women know that taking the fight to the enemy as they are now doing, to prevent terrorism on the streets of Britain, will inevitably put them in harm's way. The majority of recent casualties have been sustained not in direct confrontation with the insurgency, but from improvised explosive devices, and from April we have begun to deploy additional units to tackle this growing threat.

As I made clear in April when I announced for the period of the Afghan elections a temporary uplift to around 9,000 through the summer, we will review that commitment after the Afghan elections, with the advice of our commanders and in discussion with our allies. At the same time we will continue to strengthen our approach in the ways set out in our April strategy: by better continuity of our campaigns; by further improvements in civilian-military integration; by the closest possible co-ordination with American forces; and above all by a gradual shift towards training and mentoring of the Afghan army and police so that they can take more responsibility for what is happening in Afghanistan.

At the G8 meeting, all members agreed on the importance of the work now being done in Afghanistan, and I talked directly with President Obama about the challenges we will face together. It has been a very difficult summer, and it is not over yet, but if we are to deny Helmand to the Taliban in the long term and if we are to defeat this vicious insurgency—and by doing so make Britain and the world a safer place—we must persist with our operations in Afghanistan. I am confident that we are right to be in Afghanistan, that we have the strongest possible plan, and that we have the resources we need to do the job.

Let me turn to other matters raised at the G8 summit. The summit will be remembered as the climate change summit where we achieved real progress towards our goal of reaching a global climate change agreement at Copenhagen in December. First the G8 and then the major economies forum concluded that average global temperatures must rise by no more than 2°. That is an unprecedented and universal agreement, taking in developed and developing countries alike. It reflects a worldwide consensus unthinkable only a few years ago that the scientific evidence for climate change is irrefutable, and all of us now have a duty to act.

The summit agreed that developing countries will contribute to a global agreement by undertaking actions promptly

"whose projected effects on emissions represent a meaningful deviation from business as usual in the"

medium term; that

"Financial resources for mitigation and adaptation will need to be scaled up urgently and substantially and should involve mobilising resources to support developing countries";

and that, to take this forward, G20 Finance Ministers should work on it further and should consider the proposals that the British Government have set out, including the Mexican green fund, and report back at the Pittsburgh summit of the G20 in September.

For the first time, the G8 countries agreed the goal of reducing their emissions by 80 per cent. or more by 2050 as part of a global goal of at least a 50 per cent. reduction in emissions, and we will also undertake

"robust aggregate and individual mid-term reductions."

These are the most ambitious targets on climate change ever agreed by the G8.

The summit also sent out a second wake-up call on the world economy. We reaffirmed the commitments made at the G20 to take

"all necessary steps to support demand, restore growth and maintain financial stability".

We pledged "to implement swiftly" these measures and called on

"all countries to act decisively to reinforce the international economic and financial system."

In advance of the next G20 meeting, which will take place in Pittsburgh this September, the summit laid the foundations for a new strategy to

"lead the global economy to stable, balanced and sustainable growth"

by acting "individually and collectively". We agreed to

"vigorously pursue the work necessary to ensure global financial stability",

that there must be more bank lending, that reform and funding of the financial institutions should be secure and that there should be fast progress on regulation of financial services worldwide. We agreed to do what is necessary to make progress on growth, on commodity prices and on trade. We reaffirmed our commitment to a green recovery by

"investing in measures encouraging the creation of"

jobs in environmental technologies.

On development, we agreed that the global recession is no excuse for abandoning our commitments to the poorest, so we reaffirmed our ambitious pledges to increase aid to Africa by $25 billion and by $50 billion globally by 2010. The G8 also agreed a global consensus on what we have to do to accelerate progress on maternal and child health and on the millennium development goals on which, historically, we have made the least progress to date. In meeting with leading African nations, President Obama, I and other leaders agreed decisive action on food security to avert the hunger emergency. There is to be a $20 billion programme of assistance over three years to support the agricultural sector in poorer countries and I am pleased to say that the United Kingdom will contribute $1.8 billion to the initiative.

The G8 leaders also issued a strong statement on non-proliferation. We welcomed President Obama's proposal to hold a non-proliferation conference in America next March, before the negotiations on the review of the non-proliferation treaty begin, and we will set out soon our proposals to prepare for that summit in 2010. We said that if Iran does not respond to the international community's offer of a supervised civil nuclear programme,

we would put together a tougher programme of sanctions in the autumn. I welcome the solidarity shown by our G8 partners, who agreed that

"embassies in Iran must be permitted to exercise their functions effectively...without arbitrary restrictions on, or intimidation of, their staff"

and that

"unjustified detentions of journalists and recent arrests of foreign nationals are unacceptable."

On Burma, we reiterated our support to do all that we can to secure the release of Aung San Suu Kyi.

We also discussed the measures that we must take to address the pandemic of swine flu.

In the coming months, there will be crucial summits: on the global economy in Pittsburgh; on climate change at Copenhagen; and on non-proliferation in New York. If those meetings are to secure lasting change, now is the time for global leadership, to build a new strategy to deliver global growth, to face up to our obligations on climate change and poverty and to face down those who would threaten our global security.

The G8 has laid foundations for such progress, and once again I believe that Britain has played a pivotal leadership role. I commend this statement to the House.

Mr. David Cameron (Witney) (Con): I join the Prime Minister in paying tribute to the eight servicemen killed since last Wednesday: from the 2nd Battalion the Rifles, Corporal Jonathan Horne and Riflemen William Aldridge, James Backhouse, Joseph Murphy and Daniel Simpson; from the 2nd Royal Tank Regiment, Corporal Lee Scott; from the Prince of Wales's Royal Regiment, Private John Brackpool; and from the 4th Battalion the Rifles, Rifleman Daniel Hume. They died serving our country. We must look after their families. We must thank them for what they have done, and we must never forget what they have done for our country.

Everyone serving in Afghanistan should know that they have the support and admiration of hon. Members on both sides of the House and the whole country. Does the Prime Minister agree that more needs to be done to set out and explain the right strategy in Afghanistan? It must be tightly defined, hard-headed and realistic. As he said, we need to be absolutely clear about what our mission should be: it is about security; it is to deny the ability of al-Qaeda to have bases in Afghanistan.

On equipment, the Prime Minister talks about the increase in helicopter capacity since 2006, but is not the real point that the number of troops has doubled since 2006, so, proportionately, there has not really been an increase in helicopter capacity at all? Does he regret the £1.4 billion cut in the helicopter programme that he, as Chancellor of the Exchequer, pushed through in 2004? Of course, helicopters alone are not enough and helicopters are not invulnerable, but the former Chief of the Defence Staff, Lord Guthrie, has said very clearly that more helicopters would save lives, so does not more need to be done right now?

On troop numbers, when the Prime Minister is asked whether military commanders requested 2,000 more troops, his response is always that 700 more troops are being provided for the election, but can he now answer the key question: was he asked for 2,000 more? If he turned down that request, can he explain the reason that he gave at the time? I listened very carefully to what he said in his statement: "I have been reassured by commanders on the ground and at the top of the armed services that we have the manpower that we need for the current operations." Those are clearly very carefully chosen words, but they raise the question of whether commanders asked for more troops to do more things, so that it would be easier to achieve the objectives that we all want to be achieved. I hope that he will be able to answer that question when he stands to speak again.

On Pakistan, it is right that we have a combined strategy. Can he tell us how much aid is being delivered by British non-governmental organisations and the British Government in tribal areas, where it is extremely difficult to get through?

On the Afghan national army, which the Prime Minister talked about in his statement, can he tell us not just how many troops are now available, but what agreements he achieved following his discussions with President Karzai? Figures suggest that less than 10 per cent. of Afghan forces are actually in Helmand province, even though almost half the fighting in Afghanistan is taking place in Helmand. Can he confirm those figures?

On other issues discussed at the G8, I welcome what the Prime Minister said on non-proliferation. I very much agree with what he said about Iran. I welcome the fact that we will take a lead in drawing up EU sanctions if Iran does not take positive steps forward.

Clearly, the central issues at the G8 were development, trade, climate change and the economy; let me ask briefly about each. On development, this morning we reaffirmed our commitment to 0.7 per cent. of gross national income to be spent on aid by 2013. I know that the Prime Minister will welcome cross-party agreement on that issue. Does he agree that it strengthens our ability to ask other countries to do more? Is it not the case specifically that Italy is cutting its aid budget this year and is planning to spend little over 0.1 per cent. of its national income on aid? Does that not make a mockery of the G8's Gleneagles commitments that were solemnly entered into four years ago? By next year, 2010, development aid was meant to have increased by $50 billion, with $25 billion of that going to Africa. Is it not the case that, four years on, countries are on track to meet around half of their commitments, and will that not sap people's faith in these meetings and the promises that are made?

Mr. Dennis Skinner (Bolsover) (Lab): Yes, they are all Tories.

Mr. Cameron: Just as promises on aid need to be kept, so do promises on trade, and so also should the hon. Gentleman's promise to retire from this place after a certain time.

Mr. Skinner *rose—*

Mr. Cameron: Sit down. I thought you said you were going to retire. I think that I hit a sensitive spot.

On trade, the communiqué says that there needs to be agreement on Doha by the end of 2010, but two years ago we were told that we were going to get agreement on Doha by the end of 2007. Last year the Prime Minister told the House that progress would be made by the end of 2008. Again, we are getting the same message: progress will be made. Yes, elections in America

[Mr. Cameron]

and India are now over, so those stumbling blocks are being overcome, but can the Prime Minister tell us whether he sees real evidence of political will to make progress happen?

On climate change, let it be said that getting agreements from all these countries on cuts in carbon emissions which are domestically painful is not easy, and the progress made at the G8 is very encouraging given the importance of the Copenhagen conference later this year. Is it not the case, though, that of the three things that were necessary, two have happened? First, every country committed to the 2° target, and secondly the G8 committed to the 80 per cent. goal for industrialised countries. However, is it not disappointing—and is it not better to acknowledge this—that the wider group of countries did not commit to the 50 per cent. goal for the whole world? Does the Prime Minister agree that that highlights the need for interim targets before 2050 if we are to have any chance of getting those other countries on track?

On the economy, the G8 discussed financial regulation, bank support for business and the need to get deficits under control. In each of those three areas is it not clear that Britain is failing badly? On financial regulation, will the Prime Minister finally take this opportunity to admit that the tripartite system that he established has failed? On bank lending, let us just take one scheme. Can the Prime Minister confirm that as of a week ago the automotive assistance programme, launched in a blaze of glory to help the car industry, had yet to guarantee a single loan? On deficits, will he confirm the IMF's finding that we are heading for the largest budget deficit not only in the G8 but in the entire G20? Is it not the case that the Organisation for Economic Co-operation and Development forecast a deficit of 14 per cent.? That is twice as high as when Denis Healey went to the IMF in the 1970s, and by far the largest figure since the war. Does the Prime Minister not agree that the most important lesson this country needs to learn is that it should never allow the public finances and the budget deficit to get in such a mess again?

The Prime Minister: Let me start with Afghanistan. I am grateful to the right hon. Gentleman for what he said about the debt that we owe to our troops. Over the past weekend, which has been very difficult for our forces, I talked to the Chief of the Defence Staff, and I talked this morning to our commander on the ground in Afghanistan, Brigadier Tim Radford. I visited the Northwood joint headquarters to receive a briefing on Operation Panther's Claw, and this morning I visited RAF Benson to see the progress of the Merlin helicopter programme and talk to some of our very brave helicopter pilots who are in Afghanistan. Of course, I have also talked to President Obama about progress in Afghanistan, and yesterday to President Karzai, who I keep in regular touch with to talk about events in Afghanistan and what we can do.

While we are not complacent and will always be vigilant, I have to tell the House that despite the terrible loss of some great soldiers, to whom we owe this huge debt of gratitude, our forces on the ground are making progress in Operation Panther's Claw, and have made it absolutely clear to us that they are moving ahead with some speed in clearing the ground. Behind them will come Afghan forces, whose numbers I want to see raised very substantially over the next few weeks. The civilian effort led by Governor Mangal is in place. It is our hope not only to take the ground and to clear it, but to hold it, using both our own forces and Afghan forces. At the same time, there should be a civilian effort to make sure that the land is held and that people believe that they have a stake in the future.

I have to say to the right hon. Gentleman, despite his quotations from various people, that the British Army spokesman in Helmand province, Lieutenant-Colonel Nick Richardson, has repeated what has been said to me in private. He said publicly:

> "Absolutely we have the proper equipment. Our equipment is first rate and we have plenty of it. It's...about having a full range of equipment, people are being critical of vehicles, we have a full range of vehicles here that help provide the protection that soldiers need."

He went on to say:

> "So everything from the vehicles to the personal protective equipment, whether it's body armour, helmets and also the weaponry, and also the specialist equipment, it's here, it's great...it works".

I have to say, also, that when he was asked about helicopters, he said:

> "There's much speculation about helicopters and have we got enough. It's a sad fact that helicopters would not have saved the lives of the individuals last week. We've got to be...on the ground, we've got to be interacting with the population—you cannot conduct a war from a helicopter. So the equipment we have is very, very good. In terms of would we like more, any commander will say yes, we'd like more. Yes, we'd like more equipment and we'd like more troops, whatever it may be, but my commander is very hard over on the fact that he has sufficient to get on with the task...which he has been given."

I hope that the information that comes from people on the ground who are working in Afghanistan is taken on board by the House in this debate.

We have increased the number of helicopters by 60 per cent. in less than two years. Because we have more crews and because we have made adjustments to those helicopters, we have increased the capability of those helicopters—in other words, the flying hours that they can do—by 84 per cent. By the end of this year, the Merlin helicopters, which I saw this morning when I visited RAF Benson, will be on the ground in Afghanistan. In addition, we contract from NATO a lot of helicopters that do the work of getting our equipment on to the ground. We have created a helicopter fund, so that we and other people can contribute to countries that will provide helicopters, and we will pay for them to be upgraded. That will create 11 helicopters over the next period of time. We are working very closely with the United States of America on those issues, and of course we have set aside £6 billion for future investment, particularly in the new Lynx helicopter, over the next 10 years.

I hope that Opposition Members who want to make an issue of the fact that there are insufficient helicopters will take it on board that while of course we would want more helicopters, there has been a 60 per cent. increase, and there will be more on the ground by the end of the year. In addition, of course, we are converting eight Chinooks to enable them to deal with the weather in Afghanistan. I have to say that to move helicopters from Iraq to Afghanistan is very difficult, because the weather in Afghanistan and the terrain on which people are operating are very difficult. The helicopters have to be converted. Our crews have got to be trained for the

ground on which they are fighting. I believe that people appreciate that we are striving daily to have the best equipment available for our troops in Afghanistan.

As for the numbers of troops, in our discussions with the military, of course one talks about all the options that are available, but let me just make it clear that we decided, after discussion with our military and with President Obama, that we would increase the number of troops from 8,100 at the point at which we discussed the matter to 9,000. There are today about 9,150 people on the ground in Afghanistan. I repeat that I have been reassured by commanders on the ground and at the top of the armed services that we have the manpower that we need for current operations. I have also said that once the elections are over, we will review the numbers with our allies and with our commanders on the ground.

We have made our additions to the numbers in Afghanistan. We have persuaded some other countries to contribute more troops, but we are the second largest provider of troops for Afghanistan. We are far ahead of other countries, and we insist that there has got to be proper burden-sharing across NATO. I hope that every section of the House will want to support that.

I repeat that in April we published our strategy for Afghanistan and Pakistan. We understand very clearly that we must have success in both countries if we are to be able to deal with the problem of terrorism. We also understand that military action alone, although vital, is not sufficient. We need action on the ground with development aid, and we need to train local people to take responsibility for security in their areas. Our strategy in Afghanistan and Pakistan is to tackle the terrorist threat. We are now in a position where the Pakistan Government are taking action in the Swat and in Waziristan, and progress is being made in the Swat valley.

Therefore, we have a complementary strategy in Afghanistan and Pakistan to tackle the terrorist threat, to strengthen local forces on the ground, to bring development help to these areas, and in Afghanistan to tackle the heroin trade that is so costly not only in Afghanistan, but around the world. That is the strategy that we are pursuing with our American allies and with 40 other allies in the region, who are contributing to the effort.

I repeat that there needs to be burden sharing not just in troops, but in development. We are contributing a substantial amount of development aid both in Afghanistan and in Pakistan. We have shifted aid from the other areas of Pakistan to the north-west area. We are determined to do more in those areas to help young people to go to school, for example, and to make sure that the internally displaced people in Pakistan have homes that they can go to and proper services.

I come to the other issues raised by the Leader of the Opposition. It is precisely because we must meet our commitments on development aid that we, the British Government, have issued a call to action. We have asked other countries to join us in realising the poverty emergency that exists and what we have to do.

Let me be clear that the reason that we could not get an agreement on trade in 2008 was that the Indians and the Americans could not come to an agreement on what was called a very specific safeguard clause for Indian imports. I believe that that barrier is being removed. That is why I believe that there is hope that the new trade negotiations that will start will have greater success. Trade Ministers have been asked to meet before the Pittsburgh summit in 2010.

On climate change, the right hon. Gentleman knows that our policy is not only long-term targets and that there must be help for developing countries; interim targets must be agreed as well. That is what we will be discussing at the Pittsburgh summit, then at the United Nations, and then on the road to Copenhagen in December.

On the economy, I repeat that it is because we have succeeded in getting global action, partly at the G20 meetings in Washington and London, and partly at the G8 meeting that we have just had, that the world has a shared policy to deal with the recession. It is to create financial stability. The Americans are proposing a similar arrangement to the one that we have—the regulators, the central Bank and the Government work together. That is precisely what the Americans are proposing to do. I remind the right hon. Gentleman that no financial policy in future can work unless the Treasury, the Bank of England and the financial regulatory authorities work together. To my knowledge, no country that was at the G8 shares the right hon. Gentleman's proposal to cut public spending at a time when people need it, and to fail to support a recovery.

Mr. Nick Clegg (Sheffield, Hallam) (LD): I thank the Prime Minister for his statement and join him in paying tribute to Corporal Jonathan Horne, Rifleman William Aldridge, Rifleman James Backhouse, Rifleman Joseph Murphy and Rifleman Daniel Simpson, all of the 2nd Battalion the Rifles, Private John Brackpool of 1st Battalion the Welsh Guards, Corporal Lee Scott of 2nd Royal Tank Regiment, and Rifleman Daniel Hume of 4th Battalion the Rifles. This is a heartbreaking roll call of losses, including many young men who displayed courage and a professionalism well beyond their years. We all owe them a great deal.

I believe that the British people are resilient and understand the sacrifices that are inevitable in conflict, as long as the purpose of that conflict is clearly explained and understood, but how can people understand the true nature of this war when the Government have refused to explain what the achievable aims of the mission really are? For the past eight years, the Government have been sending mixed signals about the nature and purpose of the deployment. In the past week we have had the Prime Minister and the Defence Secretary giving different justifications for the war.

We on the Liberal Democrat Benches support the Afghan mission to stabilise Afghanistan and to reduce the threat of terrorism to British citizens. However, we need to be very clear about the limits of what we can achieve. Military action may be able to contain problems but not resolve them.

We have learned some difficult lessons in the past eight years. We have learned that our forces were not in a position to secure Helmand province alone, given the chronic shortages of equipment and manpower. We have learned that, because of the nature of Afghan tribal society, we must not overreach ourselves by trying to import overnight a western-style liberal democracy to a country that has never had a functioning central Government.

Does the Prime Minister now accept that, at best, what we can do is stabilise Afghanistan to provide a

[Mr. Nick Clegg]

space for the state to grow? Does he see that, since our troops first stepped into Afghanistan, the Government's strategy has been over-ambitious in aim and under-resourced in practice? Is it not time to commit the necessary resources and to set a reasonable goal? When exactly—he still has not answered this question today—will he find a way to send the desperately needed helicopters to our troops on the ground?

When will the Prime Minister seek full co-ordination of the international political strategy in Afghanistan? We know that President Karzai vetoed last year the appointment of a single, strong political figure to co-ordinate the international effort in Afghanistan, so will the Prime Minister prevail upon President Karzai or his successor to reverse that decision and to accept the appointment of a single senior figure with sufficient authority to bring together the piecemeal strategies of the international community?

Finally, I should like to turn to the G8 summit conclusions on nuclear non-proliferation. It is likely that conflicts such as Afghanistan will dominate in the coming years, rather than the old, state-to-state conflicts of the cold war era, so I welcome the position—the strong line—taken at the G8 on nuclear non-proliferation and the 2010 non-proliferation talks. However, does the Prime Minister not agree that rushing to commit Britain to like-for-like replacement of the cold war era Trident system hardly puts us at the forefront of such efforts? Is it not time both to admit that we do not need and cannot afford Trident on that scale, and to start to look properly at the alternatives, so that we can then commit the resources needed to our brave troops on the ground in Afghanistan and elsewhere?

The Prime Minister: I hope that the right hon. Gentleman will agree that what I set out as our Afghanistan and Pakistan strategy is very similar to what he asks us to do: first, that military action has to be complemented by other actions; secondly, that we must get the Afghan people into a position where their troops and their police are able to take responsibility for law and order, justice and security in their own area; and, thirdly, that that must be matched by development aid. Our increase in development support for farming and the social and economic development of Afghanistan is exactly what the right hon. Gentleman wants to see.

Our strategy is very clear: to deal with a terrorist threat that could affect the streets of our own country, we have to take pre-emptive action to deal with terrorism in Afghanistan and Pakistan. In 2001, al-Qaeda was based in Afghanistan and was pushed out into Pakistan, but in 2009 we have the Afghan Taliban, the Pakistani Taliban and al-Qaeda in the mountainous areas on the borders of Pakistan. We have to see joint, co-ordinated action both in Pakistan to deal with the terrorist threat there, as is now happening, and in Afghanistan, where we are clearing areas and making it possible for free elections to take place. I hope that the right hon. Gentleman will agree that both our strategy and the way in which we are seeking to pursue it are in line with what he is suggesting.

I repeat to the right hon. Gentleman, because I do not think that he heard what I said, that there has been a 60 per cent. increase in helicopters and an 84 per cent. increase in the capability of our helicopter forces. The Merlin helicopters from Iraq are being adapted so that they can be brought to Afghanistan as quickly as possible; we set up a helicopter fund to allow other countries to contribute helicopters, to upgrade them for the terrain in Afghanistan and to contribute to that development effort; and, of course, we are working with the Americans, who have helicopters, too, so that we can share the use of that particular equipment. I hope that he will agree also that the £6 billion that we are investing in helicopters is something that all of us can support.

On development in Afghanistan, I should remind the right hon. Gentleman that General McChrystal is head of ISAF and the US operations, so there is now the co-ordination that before there was not. Kay Eide is the head of the development operation. Of course we want development projects to move a lot quicker, and of course I keep pressing President Karzai to ensure that his Government take direct action to ensure that that happens. However, 6 million Afghan children are at school who were not at school previously, and there are huge increases in the amount of health care available to the Afghan people. I caution the right hon. Gentleman: the support for the Afghanistan-Pakistan strategy is common to America and the 41 nations that are part of the coalition. We all have the same objective: to reduce and remove the terrorist threat by supporting the development of local control in Pakistan and Afghanistan.

Let me say this to the right hon. Gentleman about the non-proliferation treaty. What we want to achieve is in the spirit of the original non-proliferation treaty. We offer to non-nuclear states the chance of civil nuclear power under conditions in which the transfer of that power to those states can be safe. At the same time, we secure an agreement that they will not adopt nuclear weapons. Furthermore, unlike in the case of Iran, the duty of those countries will be to show that they are not proliferating nuclear weapons, rather than our duty being to prove that by our investigations. I hope that there will be major progress on the non-proliferation treaty.

As for Trident, let me be clear. We need collective action for disarmament involving all the nuclear states, and that is also one of the promises of the non-proliferation treaty. At a time when North Korea and Iran are developing nuclear weapons and other countries in the Gulf are threatening to do so, people would find it strange for Britain—a country that has nuclear weapons—simply to surrender hers unilaterally at the moment.

The right hon. Gentleman mentioned development. All of us support Britain's leadership in providing international development to the poorest countries of the world. That leadership is important to the House.

Mike Gapes (Ilford, South) (Lab/Co-op): The Prime Minister is to be congratulated on pushing climate change up the agenda of the meeting. Does he agree that climate change is a bigger threat to the future of humankind than any of the regional conflicts, the economic crisis or the terrorism so prevalent in the world today? We need to act urgently on the climate change agenda.

The Prime Minister: The Chairman of the Foreign Affairs Committee is absolutely right that we have to act urgently to deal with the climate change problem.

That is why it was progress that every country present accepted the scientific evidence and accepted for the first time that we had to avoid an average increase of 2° C. That is also why the developed countries have agreed an 80 per cent. target for carbon reductions.

I hope that we can go forward from this G8 summit and meeting of the major economies to get an agreement on climate change at Copenhagen. If we can do that, we can go further and secure an agreement on nuclear disarmament during discussions on the non-proliferation treaty, to reduce the number of nuclear weapons in the world. I believe that we will prove that collective action can work around the world, with international co-ordination to deal with the problems of our economy and of security. Copenhagen is vital not only for climate change but for showing how the world can act together.

Several hon. Members *rose—*

Mr. Speaker: Order. Twenty-two Members are seeking to catch my eye; as always, I am keen to include as many as possible. If that is to happen, we need brief questions and brief answers, of the kind that we saw during the last exchange.

Mr. Ian Taylor (Esher and Walton) (Con): As my son is serving in Operation Panther's Claw, it would not be appropriate for me to comment on that. However, I say on a personal basis that I profoundly hope that the Prime Minister's assurances are right.

On environmental issues, can the Prime Minister tell us what the global warming has been in the past 10 years? Can he say whether the real impact that we have to look at is that it is not all man-made and that carbon dioxide and methane can come from natural causes? I am not a denier of climate change, but would not the money be better spent on measures to prevent rising sea levels and other such issues?

The Prime Minister: First, let me say about those serving in Afghanistan that we owe them a huge debt. These are very difficult times. Operation Panther's Claw was never going to be easy. This is an important summer not just for Afghanistan but for the security of the whole region. We are therefore indebted to those who are making the sacrifice and giving service not only in Operation Panther's Claw but throughout Afghanistan.

As for climate change, over the past few years there has been a rise in temperatures from the trough—

Mr. Taylor: By how much?

The Prime Minister: Probably by more than 1° C. At the same time, we want to prevent a situation whereby the rise is above 2° C. All the expert predictions that we have seen suggest that by the year 2100, without taking action, the rise in temperatures would be in the order of 6 per cent., which would make it very difficult for some countries to be able to survive in the way that they are doing at the moment. The need for action is urgent, and the agreement that we should recognise this as a problem is worldwide. The question is whether we can get an agreement at Copenhagen, and I hope that we can all strive to do that as quickly as possible.

Mr. David Winnick (Walsall, North) (Lab): I recognise that much—indeed, all—of the criticism that has been directed at my right hon. Friend over Afghanistan is unfair. Nevertheless, given that British troops—we all pay tribute to their bravery—have now been in Afghanistan for nearly eight years, which is obviously longer than the second world war, does he accept that it is legitimate, and certainly in no way unpatriotic, for people to ask whether our intervention is going to be indefinite, whether a British contingent will be there in another eight years or more, and what we mean, as such, by victory in the context of Afghanistan?

The Prime Minister: The Defence Secretary has rightly said that our role in the south began in 2006, and it has been a very important role, because Helmand is the most dangerous of the provinces. For as long as there is a terrorist threat and it is not possible for Afghanistan or Pakistan to deal with it, they will need some kind of help from other powers. That does not necessarily mean military forces on the ground, but it does necessitate help to back them up. We are committed to giving help to the Pakistani authorities to deal with the terrorist threat in their areas. We are working closely with the security services but also giving what support we can to the army, and making it clear that development aid is available. We have to deal with the situation in Pakistan and in Afghanistan by working together with their Governments, but we hope that over time they will take more responsibility for their own affairs. Particularly in Afghanistan, we hope that the numbers in the army can rise from 80,000 to 130,000, and perhaps a great deal higher, and the number of police can rise to about 70,000, so that the country will be able, gradually, step by step, to take more control over its own affairs.

Patrick Mercer (Newark) (Con): The Prime Minister said that the hard-won gains in Afghanistan must be fully consolidated. People at my former battalion, 2 Mercian, talk to me all the time, and they say that there simply are not enough troops to hold the ground after the current operation. Notwithstanding his careful answers to my right hon. Friend the Member for Witney (Mr. Cameron), can he confirm that troop numbers will not be drawn down after the election and, more to the point, that the ridiculous rumours about the axing of three infantry battalions are just that—rumours?

The Prime Minister: Yes, we should not believe all the rumours that are put around this place. We want to achieve a situation whereby we take the ground and the Afghan national army works with us to hold the ground. With the Americans and other coalition powers, we are training about 2,000 new troops in Afghanistan every month. The Afghan army has grown in numbers to between 70,000 and 80,000, and, as I said, it is set to grow to 130,000. In the long term, we want the Afghan army and the Afghan police to be able to take more control over their own affairs. We have suggested that, just as in Iraq, province by province, we could transfer control to the Afghan army and police. I have made my statement about the commitments that we have made in relation to troop numbers. We will review that with President Obama and others after the election. However, the hon. Gentleman should not be in any doubt that the number of troops in Afghanistan has been raised over the past few months for the summer campaign and the pre-election period. We have kept and held to the promise that we would take the action that is necessary to ensure that our troops are properly safe.

Ann Clwyd (Cynon Valley) (Lab): Can I ask my right hon. Friend to expand on one sentence in his statement? He said, "On Burma, we reiterated our

[Ann Clwyd]

support to do all that we can to secure the release of Aung San Suu Kyi." What does that mean, what can we do, and what will we do?

The Prime Minister: As I know my right hon. Friend is a long-term campaigner for the release of Aung San Suu Kyi, I should say that all nations that were present at the G8 were united in our determination to remind the Burmese Government that repression is unacceptable; to tell them that Aung San Suu Kyi should not be held or tried as a political prisoner; to say that if there are to be fair elections in Burma, she must be allowed to participate; and to say that we will consider whatever action is necessary to ensure that the Burmese Government recognise that what they are doing is an offence against human rights and democracy, particularly against someone who some time ago was elected as the democratic leader of Burma.

As my right hon. Friend may know, the Secretary-General of the United Nations has just been in Burma. We supported his visit there, and although it was unsuccessful, the matter will come before the Security Council today or tomorrow. I hope that the Security Council's members will send a message that such behaviour by the Burmese regime is completely unacceptable.

Sir Peter Tapsell (Louth and Horncastle) (Con): May I remind the Prime Minister that ever since we went back into Afghanistan in 2003, I have repeatedly warned a succession of Defence Ministers that even 300,000 troops would not be sufficient to succeed in the task that they have been set, a figure that senior American generals have echoed in recent months? Why, yet again, despite the grim history of our interventions in Afghanistan over the years, have this Government sent an undermanned, under-equipped army there to face the situation that we all see has now emerged, which was inevitable in the circumstances?

The Prime Minister: First, we have made progress in Afghanistan, and I disagree with what the hon. Gentleman has said. There are millions of children at school, health care services are being provided, there are roads and there is economic development as a result of what we have managed to do.

Secondly, our aim, as we set out in April and as I said previously—the aim is now accepted by all our allies—is to complement our military intervention with action on the ground to help Afghanistan to build up its armed forces and police services, and to take action that is necessary for the development of Afghanistan so that the Afghan people have a stake in the future. As I have said, military action alone will be insufficient to bring Afghanistan to a point where we can justifiably say that we have dealt with the terrorist threat. It demands action by the Afghan people themselves, and that means training their own armed forces and police.

Mr. Gordon Prentice (Pendle) (Lab): My friend talked about vigorously pursuing global financial stability and financial regulation. When are we going to start applying sanctions to tax havens that shelter tax evaders?

The Prime Minister: President Sarkozy and I talked about this last week, and we issued a statement saying that by April 2010, we wanted every country to have abandoned the tax haven practices that they were adopting. We have now also made it clear that there is a grey list and a black list of countries, as well as a white list, based on the action that they are taking. Many countries are now taking action as a result of the G20, and some countries have signed more than a dozen agreements that make it possible for them to lose their status as tax havens. We are pushing forward with our plan to ensure that tax havens in the old form will be a thing of the past.

Angus Robertson (Moray) (SNP): We join in the tributes and condolences that the Prime Minister gave and in his wish for stability in Afghanistan and Pakistan, but is it not the case that the real window of opportunity in Afghanistan was lost with the invasion of Iraq? With more than 50 per cent. of the British population now saying that they want troops to return by Christmas, is it not the case that the UK Government need seriously to reconsider their policy?

The Prime Minister: I hope that the hon. Gentleman will support our action in Afghanistan and recognise that more than 40 nations are part of the coalition there. I hope that he will also accept that our strategy in Afghanistan and Pakistan is to deal with the terrorist threat, to support local Afghan and Pakistani people in controlling their own affairs and to secure the economic and social development of their countries. I would have thought that most parties would support that strategy, not oppose it.

Mr. Dennis Skinner (Bolsover) (Lab): Did my right hon. Friend remind the other leaders, when they were discussing the recession at the G8 meeting, that he had had a little bit of practice because on 16 September 1992, we had a terrible day, Black Wednesday? The economic adviser to the then Chancellor of the Exchequer is sitting over there—the Leader of the Opposition. Is my right hon. Friend aware that the reason that I can remember all this is that I did not have a wasted youth, going to Eton and being educated beyond my intelligence, and I am drug-free?

The Prime Minister: I hope that my hon. Friend will reconsider any plans for an early retirement. People will remember that in 1992, interest rates increased to 18 per cent., inflation was 10 per cent. and millions of people were affected by mortgage rates that caused a record number of repossessions. We have taken action precisely because we want to avoid those consequences. Unfortunately, the Opposition still support the policies of 1992.

Mr. William Cash (Stone) (Con): The Prime Minister knows that millions of little children die from bad water and bad sanitation. He did not mention that in his statement. Will he be good enough to consider the problem that arises through duplication between the G8-Africa partnership and the global framework that is being set up—as the right hon. Gentleman's predecessor, Mr. Tony Blair, said he would do at the next G8—so that we have positive movement and progress on water and sanitation?

The Prime Minister: I agree entirely that we must do more to ensure that water is clean and that sanitation services are provided. That was a feature of our discussion at the G8 with African leaders. We were determined,

first, to deal with the problem of hunger, because 1 billion people face hunger and poverty. That is why we have set aside an extra $20 billion for a programme to help agriculture, particularly in Africa. However, the hon. Gentleman is right that, if we do not meet the goals on water, we will fail on poverty and the environment. It is also right to make water and sanitation a priority. It is the first time that he has not asked me a question on Europe, which must be a record for the House.

John Reid (Airdrie and Shotts) (Lab): May I add my condolences to those expressed to the families of every single one of the young men and women who have fallen for a better world and a more secure country here in Britain? May I also welcome the Prime Minister's open statement that he will continually review the position and listen to the soldiers and those who risk their lives in Afghanistan about what they need in numbers and resources? In doing that, may I lay to rest the accusation that has been made in the past few days that, when we went into Helmand, the configuration was somehow the diktat of politicians and that the Treasury rejected or objected to it? That is not true. The configuration was determined by the chiefs of staff, and the Prime Minister, as Chancellor at the time, met it fully, as I asked him to do. However, circumstances change, the enemy's tactics change and, of course, the mission changes. He is therefore right to confirm to the House today that he will keep an open mind on what may be additionally necessary to complete today's mission.

The Prime Minister: I thank my right hon. Friend for his work as Defence Secretary and in the Government. He was clear about our responsibilities in Afghanistan. What has changed in the past few years is that al-Qaeda's moving to Pakistan and the build-up of the Pakistan Taliban as a threat to democracy there mean that we must deal with the twin problems of Afghanistan and Pakistan. We need to do it by complementing our military action with work to help both Governments to build up their own strength and by giving what we can in development support so that everyone in those two countries can have a stake in the future.

Dr. Julian Lewis (New Forest, East) (Con): Following on directly from that, does the Prime Minister share the concern of Pakistan's Interior Minister about the critical importance of stopping insurgents criss-crossing the Afghanistan-Pakistan border? Will he explain why, according to that Minister, whereas Pakistan has managed to set up 1,000 checkpoints on its side of the border, NATO has managed to set up only 100, with only 60 of them working?

The Prime Minister: I shall certainly look at the statement that the hon. Gentleman cites from Pakistan. We have talked about how we can co-ordinate activity across the borders, how joint discussions can take place between Afghanistan and Pakistan, and how we can make the border more secure. The hon. Gentleman is right that, if the Afghan Taliban are reinforced regularly by people coming from Pakistan, that makes the job of our British troops far more difficult. If people can slip back across the border when they are chased to it or to the border areas, that is another threat to the safety of our troops. It is therefore important to our strategy to bring the operations in Afghanistan and Pakistan together.

Tony Lloyd (Manchester, Central) (Lab): The Prime Minister's role in pushing forward the climate change agenda is well understood. However, if we are to engage with the developing world beyond the G8 in combating climate change, it is vital that there should be proper technology transfer from the rich nations to the poorer nations, and at prices that are affordable.

The Prime Minister: I agree with my hon. Friend, and this is exactly the point that I was talking to Prime Minister Singh about. The Indians will want technology transfer so that they can develop policies to deal with climate change. The transfer of technology is a vital part of our delivering a strategy that will cut carbon emissions successfully. We are prepared to enter into talks with other countries about how we can help them to meet their climate change objectives.

Bob Spink (Castle Point) (Ind): We should congratulate the Prime Minister on his leadership on climate change. Will he set out a timetable for new nuclear power plant in this country, so that we can start to meet our targets for carbon reduction?

The Prime Minister: I am grateful to the hon. Gentleman. Some £20 billion will be invested in nuclear power over the next few years. We want to see nuclear power moving forward—*[Interruption.]* This is very interesting. The Opposition have spent a long time saying that they were hostile to nuclear power, but now I am asked, "When is the first planning application?" We will publish our planning statement on nuclear power in due course. It would be sensible in our country to have a cross-party consensus on the need for a balanced energy policy, and I hope that that will not long elude us.

Keith Vaz (Leicester, East) (Lab): If the Prime Minister looks at the development conclusions, I hope that he will consider countries such as Yemen—the country where I was born—which is 155th out of 177 countries on the poverty index and where half the population live on less than £1.25 a day. We have had many G8s and G20s over the past 10 years. How is this one going to help the people of Yemen?

The Prime Minister: First, because where there is hunger we want to act immediately, and the urgency of acting on hunger was understood by all countries. President Obama and other countries' leaders wanted to take that action immediately. Secondly, because we said that the millennium development goals to be met have to be properly accounted for, we have to look in the next year at how far we are from meeting those goals and assess that at the next G8 summit, which will be held in Canada. So there was agreement not only that we had to secure value for money, but that we had to know how far we had got and what we had yet to do to meet the millennium development goals. I hope that that is not abstract, because it is important that countries deliver on the ground what they promise to the people of Yemen and elsewhere.

Lynne Featherstone (Hornsey and Wood Green) (LD): I listened to what the Prime Minister said about the 60 per cent. increase in the number of helicopters in the past two years. However, it is my understanding that helicopters that can transport troops are the most significant

[Lynne Featherstone]

need, so what proportion of that 60 per cent. is troop-transporting helicopters and what is that in raw numbers, please?

The Prime Minister: It has not been the practice of the Ministry of Defence to reveal the numbers of helicopters in any particular theatre of war. However, we have tried to increase the number of helicopters available for transport and for cover. The addition of the Merlin helicopters at the end of the year will add to the 60 per cent. increase over the past two years, but I repeat what was said by the spokesman for the military on the ground:

"It's a sad fact that helicopters would not have saved the lives of the individuals last week."

I hope that people will put the comments that they wish to make into perspective after hearing that statement from someone who is there on the ground in Helmand.

Paul Flynn (Newport, West) (Lab): President Karzai has refused to reduce the 20-year sentence on a man sent to prison for accessing a document on the internet about human rights, yet he has given a full pardon to some young thugs who gang-raped a 13-year-old girl. Is it any wonder that Malalai Joya, a human rights award winner and Member of the Afghan Parliament, has said that human rights under Karzai are worse than under the Taliban? Also, is it right that we should ask our young men to put their lives at risk in support of Karzai's thuggish police and his mediaeval view of human rights?

The Prime Minister: Yesterday I raised the question of the family law being enacted in Afghanistan, as I have on many occasions. We want to make it absolutely clear that we can support only legislation that guarantees basic rights, particularly those of women in Afghanistan. I urged President Karzai to look at any amendments that were necessary to protect basic women's rights, particularly the rights of under-age girls in Afghanistan. He assured me that this was what he would do, and I shall be able to report back to the House when asked.

Sammy Wilson (East Antrim) (DUP): May I join in paying tribute to those who have lost their lives in fighting to protect our country in the mountains of Afghanistan? I urge the Prime Minister to ensure that sufficient resources and manpower are made available to them to do the job. Will he tell me what assessment he has made of the impact of the climate change package on the public finances, on energy costs and on job losses in this country, especially given the fact that a number of important developing countries have refused to sign up to the targets?

The Prime Minister: First, it is going to be important that all countries sign up to a climate change deal at Copenhagen. We do not want to be in the position that we found ourselves in after Kyoto, in which some countries had signed up and others had not. It is important for the health of the world economy as well as for action on climate change that we persuade the developing countries to join. Secondly, I regard the climate change challenge and the carbon reduction challenge as something that can create jobs and make it possible for our economy to do well in selling to the rest of the world. We believe that, in five years' time—10 years' time is probably the better figure to give—there will be more than 1 million people employed in green jobs and carbon-related jobs. I believe that this could be a major provider of wealth for the British economy. If we can get the technology right and sell it to the rest of the world, and create jobs as a result of that, the carbon challenge will be one that we can meet successfully in our own interests as well as in the interests of the world.

Sir Gerald Kaufman (Manchester, Gorton) (Lab): Is my right hon. Friend aware that I have heard today from a constituent about the kidnapping of a relative of hers by the Taliban in Pakistan, and about his wife and children fleeing for their lives and going into hiding? Will my right hon. Friend confirm that the action that we are taking is essential for the cohesion and security of our close friend, Commonwealth partner and ally, Pakistan, whose future, like ours, depends on the success of our action in Afghanistan?

The Prime Minister: My right hon. Friend makes very wise comments about the connection between Afghanistan and Pakistan. First, let me say to him that if I can help in any way with his constituent's problem, will he please raise it with me directly and I will investigate what has happened? It is important to recognise that the Pakistan Government and the Pakistan army are now taking action in the Swat valley against the Pakistan Taliban, and that they are preparing to take action in Waziristan against al-Qaeda as well. That is an important development for the future prospects of security in the region. The fact that action is being taken in Pakistan, and that it is being complemented by the action that we are taking in Afghanistan, means that there is a legitimate hope that we can curtail the threat from terrorism and, at the same time, strengthen the institutions of Pakistan and Afghanistan. Like my right hon. Friend, I want Pakistan to be a strong member of the Commonwealth.

Mr. Bernard Jenkin (North Essex) (Con): Rather than asking the defence chiefs to give the Prime Minister an assurance that, as he put it in his carefully chosen words, "we have the manpower we need for the current operations", will he ask them whether we have the manpower successfully to deliver the current strategy? Were he to do so, I think that he might get a different answer.

The Prime Minister: I have been very clear about what we are doing in Afghanistan. We are trying to take ground, to hold that ground and to make that ground safe for a democracy and for the provision of services to the Afghan people. The exercise, Panther's Claw, which is being carried out at the moment, has the resources that are necessary and is making real advances. As for what happens after the election period, I have already made it clear that there will be discussions with America—which is reviewing its strategy and has agreed that it will have a review after the Afghan elections—and that we will be part of that reconsideration.

Nia Griffith (Llanelli) (Lab): I congratulate my right hon. Friend on taking the lead in securing G8 agreement on ambitious climate change targets. I also thank him for his answer to the hon. Member for East Antrim (Sammy Wilson). Will my right hon. Friend tell me what steps will be taken to nurture companies that are

developing green technologies in the UK, and thus to secure valuable manufacturing jobs while helping us to meet our emissions reduction targets?

The Prime Minister: My hon. Friend is absolutely right: we are asking companies to consider moving into green, low-carbon technologies, and we have to make it possible for them to get the necessary investment to make that happen. In the past two weeks, we have set up the innovation fund, which will enable companies with low-carbon technology innovations to apply for help. We estimate that, along with the £150 million that we are investing, about £1 billion of private investment will come forward. Any company in my hon. Friend's constituency or elsewhere in the country that wishes to see investment in low-carbon technology and believes that it can benefit from the innovation fund should apply for that support. This is how we can develop the new technologies that we can sell to the world, and the jobs that are essential for the future.

Bob Russell (Colchester) (LD): This time last year, soldiers from 16 Air Assault Brigade were losing their lives in Afghanistan. Does the Prime Minister recall that I was critical then of the failure of major European countries to commit troops, helicopters, resources and financial support to that effort in southern Afghanistan. Bearing in mind the Prime Minister's reference in his statement to burden-sharing and his specific comment that, "In Afghanistan, international forces must take the lead on the front line", will he name the major European countries that over the past year have committed soldiers on the ground in Helmand province, provided helicopters and other military equipment and provided financial support for the British effort in Helmand?

The Prime Minister: Estonia and Denmark are working with the United States and Britain in Helmand. Countries present at the NATO summit pledged, I believe, 5,000 more troops for the election period. We set up the helicopter fund, which I think is now £13 million, and countries such as ourselves and France are contributing, while there are, of course, some countries that are prepared to use the helicopter capability, but do not have the resources to make the adjustments necessary for Afghanistan. The hon. Gentleman will know that France has sent just under 1,000 extra troops over the last few months.

Mark Durkan (Foyle) (SDLP): First, I join others in offering my condolences to the families and friends of the soldiers killed in Afghanistan—the genuine concern at the high human cost of that engagement is sometimes debased by cheap political commentary. On the substance of the Prime Minister's statement, he said that the leaders of the G8 agreed to do what it takes to make progress on growth, commodity prices and trade. On commodity prices, does the Prime Minister believe that that will include curbing the ability of banks and other financial institutions in the future to speculate on commodity indices and futures in a way that drove price surges in food and fuel in the past?

The Prime Minister: I am grateful for my hon. Friend's comments on Afghanistan. As far as oil is concerned, yes, we are looking at what is happening in the oil commodities market at the moment. Prices have gone up by 75 per cent. over the last few weeks—it was $35 a barrel and has risen to $75. It is probably down today, but oil price rises are very difficult for industry and people to accept if they lead to rising fuel bills. We are looking at what is happening in the marketplace and we will take any necessary regulatory measures.

Mr. Geoffrey Robinson (Coventry, North-West) (Lab): May I assure my right hon. Friend that the House, and indeed the whole country, will be very reassured by his assurance that we are strictly realistic in our aims in Afghanistan? While part of the realism has to be the defeat of the Taliban, may not a broader political settlement involve some basic accommodation with the tribal factions, notably those of the Northern Alliance and the Pashtun? Sooner or later, that will be essential if we are to succeed.

The Prime Minister: I am grateful to my hon. Friend, who is absolutely right that the tribal chiefs and tribes in Afghanistan have to be involved in any settlement that is going to work. Some tribal leaders are, of course, drug lords, and it is difficult to deal with them, but we must involve tribal chiefs and leaderships in any settlement that comes forward. There has been a shift in strategy to enable them to be involved in discussions that I hope will lead to greater reconciliation in Afghanistan. He is absolutely right that it is the combination of the military action we have taken, the building up of Afghan police and security, the development of relationships at the local level with the tribal chiefs, at the same time as pursuing a course of economic and social development, that will bring stability to Afghanistan and ensure that the land is free of terrorist influence.

Jeremy Corbyn (Islington, North) (Lab): Is the Prime Minister aware that many people in this country think that the policy in Afghanistan is fundamentally misplaced, that it has done nothing to control the drugs trade, that it has probably increased support for the Taliban and will inevitably involve NATO and other forces crossing the border into Pakistan with the further problems that will result from that? Is it not time for a complete rethink of the entire strategy?

The Prime Minister: I hope that my hon. Friend will look at the strategy that we announced in April and the way in which we have developed it over the past few months, and will note that President Obama in America is pursuing a course very similar to ours.

The fact of the matter is—and we cannot ignore it—that three quarters of terrorist plots start in the mountainous and border areas around Pakistan. Before 2001, al-Qaeda was based in Afghanistan; now it is based in Pakistan. If we are to make our streets safe in Britain, we must consider what is happening in those regions. That is why our strategy is not simply military, but is intended—alongside military action—to build up the Afghan forces, to develop the Afghan economy and, of course, to deal with the heroin trade in Afghanistan. I hope that, on reflection, my hon. Friend will recognise that people are safer in London because of the actions that we are taking in Afghanistan and Pakistan.

Point of Order

4.45 pm

John Mann (Bassetlaw) (Lab): On a point of order, Madam Deputy Speaker. A motion was passed on 3 July last year in relation to removing the preferential tax status of Members of Parliament apropos second homes and capital gains tax. Although it may not have found favour with the House of Commons Commission, it was passed by the House, and therefore should have been implemented. What concerns me is that it has not been implemented. While Sir Christopher Kelly may wisely choose to go beyond it in his recommendations to the House, it remains the policy of the House, and should have been implemented from 3 July. What is the House of Commons Commission going to do to implement the will of the House?

Madam Deputy Speaker (Sylvia Heal): I shall ensure that Mr. Speaker is made aware of the hon. Gentleman's comments.

Political Parties and Elections Bill (Extension of Carry-over)

4.47 pm

The Minister of State, Ministry of Justice (Mr. Michael Wills): I beg to move,

That the period on the expiry of which proceedings on the Political Parties and Elections Bill shall lapse in pursuance of paragraph (13) of Standing Order No. 80A shall be extended by 15 weeks until 29 October 2009.

The House will be aware that because this is a carry-over Bill, which was introduced on 17 July 2008, it will fall if it does not receive Royal Assent before 17 July 2009. It should receive Royal Assent before that date, or before the House rises for the recess at the very latest. However, it is only prudent for us to take precautions to ensure that it will endure in the event of parliamentary timetabling—which is always strained at this point in the Session—making it impossible for it to complete its passage within that time frame. The extension motion is intended to ensure that the life of the Bill—an important Bill that has spent some time in the House already—will continue beyond 17 July this year if that is necessary for the effective timetabling of parliamentary business. The motion in no way reflects any lessening of the Government's determination to put the Bill on to the statute book as soon as possible—I hope that Members in all parts of the House will agree on that—but it is only right for us to make provision for all future possibilities.

Mr. Alan Reid (Argyll and Bute) (LD): I agree that the Bill is important, but I am concerned about the date of 29 October that the Government have specified in the motion. Clause 14, for example, introduces important new regulations that will take effect on 1 January, and an Electoral Commission consultation must take place between Royal Assent and that date. What concerns me is that an extension until 29 October will not allow enough time.

Mr. Wills: That concerns me as well, which is why I stressed our determination to complete the Bill's passage by the recess at the very latest. I look forward to the co-operation of the hon. Gentleman and, indeed, all Members, because it is important for the Bill to be on the statute book as soon as possible. This is merely a prudent measure to ensure that it does not fall altogether.

4.48 pm

Mr. Jonathan Djanogly (Huntingdon) (Con): I think it fair to say that the Minister and I, and our respective teams, have come a long way with this marathon piece of legislation. What was a very weak and partisan Bill became—bit by bit, debate by debate, in both Houses—a Bill that I think we can broadly say was built on consensus. I am afraid, however, that that seems no longer to be the case. Given that we received the Minister's amendments only today, no one has yet been able to give proper and full consideration to the impact of clause 8 in its amended state. The Bill contains complicated clauses with significant underlying issues and complex tax implications. As it happens, we think that these provisions still have serious flaws and weaknesses, but that apart, from a procedural point of view, this is no way to make law.

In the other place, the Minister, Lord Bach, said most stridently that he was against what was then called the Campbell-Savours amendment and that it was "unrealistic and cannot work", yet here we are just one month later with the Government accepting the amendment in principle. The Minister needs to explain why this U-turn came about. Have the Government really become so weak that they have to introduce a series of major amendments to our electoral law just a few hours before they are debated? Frankly, this is outrageous. The Bill has been passing through Parliament for more than 18 months and it is unacceptable that this issue could not have been dealt with earlier within one of the two Houses.

The Government have consistently maintained that they want this Bill—the Minister just did so once again. They want it as a revision of electoral law and party funding, and they also want proceedings on it to be conducted in a consensual manner—and for the most part, after the revision of the overly partisan initial Bill, that has been the case. I should take this opportunity to acknowledge the usual spirit of co-operation that we have enjoyed with the Secretary of State and his Minister. However, it is totally unacceptable for them to come here today and announce this major change of policy, which I first saw only in Saturday's edition of *The Guardian*, and then to throw six pages of complicated amendments at us this morning. This is no way to behave; this is no way to act like a responsible Government.

What we are seeing here is the dying embers of a rudderless Government who have once again failed to control their Back Benchers. The reality of this situation is that it is a problem for the Government, not for us. So let me make it very clear that this Bill no longer carries cross-party support. Our position now is that the Government should take this Bill away, rethink it and come back in the next Session with a new Bill that we can debate properly. A significant number of knock-on issues emanate from this, and we need to think them through carefully. For these reasons, we will be asking the House to divide on this carry-over motion, and I recommend that my hon. Friends vote against its extension.

4.53 pm

David Howarth (Cambridge) (LD): As the Minister said, Standing Order No. 80A(13) provides for carry-overs to last only one year, and that year comes to an end on 17 July, hence the need for an extension motion under Standing Order No. 80A(14).

The hon. Member for Huntingdon (Mr. Djanogly) said that the Bill no longer carried consensus because of the Government's concessions on the clauses to do with tax exile donors. On the substance of that matter, I welcome very much the Government's concession and, as far as we are concerned, this increases, not decreases, the degree of consensus on the Bill. However, I do share the hon. Gentleman's concern over the process. This is now quite a short and insignificant Bill that has taken more than a year to get to its current state, but our debates on it have repeatedly been cut short. As a result, in the debates in Committee and on Report, only one of all the Hayden Phillips proposals that Liberal Democrat Members were proposing ever got to a vote. The Government constantly said there was not enough time to debate very important issues. In fact, on Report we ran out of time and could not discuss properly the very issue the hon. Member for Huntingdon has raised. For the Government to come forward at this stage with a carry-over motion on the grounds that we are running out of time, and on that very morning to table new and serious—even though very welcome—amendments strikes me as an abuse of process.

I want these clauses to work, but we have not had time to consider them in the depth that they deserve. I am concerned whether they will properly cover the devices that donors enter into to avoid being captured by the law—but I shall say more about that later. Those of us who might have had legitimate amendments to suggest to the Government's proposals have had no time to table them. The only thing that we can do is suggest manuscript amendments, and that is far from the proper procedure. As a member of the prospective committee on procedure to be chaired by the hon. Member for Cannock Chase (Dr. Wright), I will raise this matter elsewhere.

The Government should be given a strict deadline to get this Bill through. Like my hon. Friend the Member for Argyll and Bute (Mr. Reid), I do not think that that deadline can possibly be 29 October, because by then it will be too late to implement the Bill. If there were to be an extension of the carry-over, it should not go beyond 21 July. With great reluctance—because I strongly support the Government's concession on the major issue before us—I will advise my hon. Friends to oppose the carry-over extension.

4.56 pm

Mr. Alan Reid (Argyll and Bute) (LD): My hon. Friend the Member for Cambridge (David Howarth) is right in his criticism of the process that this Bill has gone through. Procedurally, it has been a shambles. I served on the Committee and vast rafts of amendments were not debated. I sat here through the entire Report stage and, again, rafts of amendments were not considered. I tried to speak on Third Reading, but we ran out of time. There have also been huge gaps between different stages of the Bill.

My concern about the carry-over motion is that it specifies 29 October. I know that the Minister, in response to my intervention, said that the Government's intention was to get the Bill on the statute book before the parliamentary recess. In that case, why does not the motion simply give the last day before the parliamentary recess—21 July? Why does it specify 29 October?

Clauses 14 and 15 introduce important new rules about election expenses that come into effect on 1 January 2010. Between Royal Assent and 1 January, the Electoral Commission has to conduct a consultation exercise and then issue guidance. The two months between 29 October and 1 January would not be long enough for that to happen. I would have been happy to vote for the motion had it specified 21 July, but as it says 29 October, I will oppose it.

4.58 pm

Mr. John Redwood (Wokingham) (Con): It is a pity that the Government wish to rush through what could turn out to be a bungled and unsatisfactory piece of legislation. Given the problems that candidates for the deputy leadership of the Labour party got into under the law that the Government introduced before, one would have thought that the Government would have

[Mr. John Redwood]

seen the need for simpler and clearer legislation and for more time to prepare it so that everyone could buy into it, understand it and comply with it. I am sure that right hon. and hon. Members wished to comply with the earlier legislation, but they got into difficulties because it was complicated and not fully understood. That legislation had not been thought through or debated sufficiently so that all could grapple with its complexities.

I have the same worry, only more so, about this Bill, because it has a troubled history. We now learn that consensus has broken down between the main parties on this issue, but the Bill requires consensus and agreement because it relates to the methods of election of people of all parties and none to this House. Surely it requires as much time as Parliament thinks it needs or deserves to try to reach sensible agreement. It is not satisfactory to have a whole set of new proposals put before the House at the last minute.

I cannot understand why we need 80 days off this summer, but that is the Government's wish. If they are sticking with their 80 days off, there clearly is not time to do this Bill properly. They have an easy answer—they could put on another couple of days next week and get this thing done properly. I do not see the Minister rising to offer to do that. I find it very difficult to explain to constituents why there is not enough time to make our case or to do our job when we are then forced to take an 80-day break when some of us would be happy to work longer to see things through properly.

If we must have this kind of legislation, the Government should let us have the time to debate it. Indeed, why cannot we go longer this week if colleagues already have holidays planned for next week? We could sit later on Wednesday or Thursday to accommodate the need to consider these measures carefully. I think that it is a great tragedy that the Minister will not rise from his seat and offer us that—*[Interruption.]* Does the hon. Member for Vale of Clwyd (Chris Ruane) want to intervene?

Chris Ruane (Vale of Clwyd) (Lab): No, sorry. I thought that the right hon. Gentleman was going to finish.

Mr. Redwood: I thought that the hon. Gentleman was keen to disagree—I am delighted that I have the agreement of the Labour Back Benchers. They do not wish to intervene and tell me that I am wrong to want more time to discuss these matters. Please will the Minister reconsider, will he see that this has broken any chance of consensus and will he grant us more time? There is plenty of time this week or next week.

5 pm

Chris Ruane (Vale of Clwyd) (Lab): Will my right hon. Friend the Minister guarantee that there will be sufficient time to discuss the important issue of politically motivated leaders of local authorities who deliberately try to keep registration at a low level? The Minister will recall that I have given the example in previous debates of the Liberal leader of Islington local authority, who, when approached by the Labour group to have a registration drive before an election, was adamantly opposed to that idea because that was how Liberals won elections. Will there be sufficient time to discuss these important issues?

5.1 pm

Bob Spink (Castle Point) (Ind): I am not at all surprised that the Conservative party opposes the Bill. I want to see it come on to the statute book as soon as possible so that we can get more transparency on the funding of political parties and of elections in particular. I know that this Bill will cause problems for the Conservative party because it currently abuses the system. It acts in a way that the public perceive as totally improper in funding campaigns with tens of thousands of pounds even before the starting point of the election is reached. That is an abuse of the system. I want to see that stopped, and that is why I will be supporting the Government.

Mr. Graham Stuart (Beverley and Holderness) (Con): Did the hon. Gentleman also think that it was an abuse when the incumbent Government decided to add £10,000 on top of already generous allowances so that Labour MPs in particular, who have the majority here—*[Interruption.]*

Madam Deputy Speaker (Sylvia Heal): Order.

Mr. Stuart: So that Labour MPs in particular, who have the majority in this House, were able to spend public money promoting themselves to the electorate.

Madam Deputy Speaker: Order. The motion under discussion is the carry-over motion. Can we please keep to that motion in the time that is available?

Bob Spink: Thank you, Madam Deputy Speaker. I shall abide by your wishes and not be distracted from the motion that we are discussing. I am astounded that the Conservative party, of all parties, should seek to raise today, in this debate, the question of the abuse of Members' allowances. What brass neck they have.

I want to see the Bill brought forward and that is why I will be supporting the carry-over motion, although I want to see levels of reporting reduced to lower sums so that we have even greater transparency. I also want to see even greater restrictions on spending on elections. I do not want to see this country going down the same route as America on election funding.

5.3 pm

Mr. Wills: As always, we have had a very interesting little exchange on these matters, but the contributions from Opposition Members have been unusually baffling and illogical. Of course, I agree with the hon. Member for Argyll and Bute (Mr. Reid). He is quite right that we need to get this done as quickly as possible, but the contributions that we have heard from both Opposition Front Benchers demonstrate exactly why we need to allow a little bit of time for the Opposition to get their act together.

Mr. Francis Maude (Horsham) (Con): Does the right hon. Gentleman realise quite how offensive it is to suggest that the Opposition need time to get our act together, when the Government, on a matter of huge difficulty, which is the legislative equivalent of brain surgery, have produced six pages of amendments on the morning that these matters are to be debated in the House? To suggest that the Opposition need time suggests a lack of self-awareness that beggars belief.

Mr. Wills: With great respect to the right hon. Gentleman, I certainly would not want to cause any offence whatsoever, but if he had borne with me just a little, I would have explained precisely why the Opposition need to get their act together. I do not wish to cause him offence, but if he listens to me, I will explain exactly why I said that.

These amendments were debated at some length in the other place. I respectfully point out to Opposition Front Benchers that consensus is a matter not just of two Front-Bench teams reaching agreement, but of the whole House reaching agreement in so far as possible. We also need to take proper recognition of the sentiments in the other place.

In the other place, as the right hon. Gentleman will be aware, a very large number of Conservative peers take the Conservative Whip—200 or so. I wonder whether he can remember how many of them voted against the amendments that the other place passed. I will remind him: it was 40. He will be aware that a significant number of Cross Benchers also voted in favour of the amendments. We have to take account of the sentiment of the other place, and I am surprised that Opposition Front Benchers do not wish to do that. We believe that it is right and proper to do so. We are conscious of the time frame. These issues have been debated. We think that there is sufficient time to debate that.

I reassure my hon. Friend the Member for Vale of Clwyd (Chris Ruane) that we will have time in later debates to discuss the matter that he has raised, and I will do so in relation to the appropriate clauses.

I am baffled by the contribution of the hon. Member for Cambridge (David Howarth). On the one hand, he seems to be calling for a strict deadline to be imposed on the Bill; on the other hand, he has been vituperative in his criticism of us for not allowing sufficient time to discuss the Bill. As so often, I am afraid, the Liberal Democrats are facing both ways.

David Howarth: The problem is that very short debates were followed by very long intervals without debates, and that happened in both Houses. Why did the Government take so long to get the Bill to Third Reading in the House of Lords?

Mr. Wills: With all respect to the hon. Gentleman, we have discussed all these issues at very great length. [HON. MEMBERS: "Oh!"] We have, and as hon. Members on both sides of the House want to get on to discuss the Bill's substance, I beg to hope that the House will now agree to the motion.

Question put.

The House proceeded to a Division.

Madam Deputy Speaker: I ask the Serjeant at Arms to investigate the delay in the No Lobby.

The House having divided: Ayes 283, Noes 196.

Division No. 198] **[5.07 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Balls, rh Ed
Banks, Gordon
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Elman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, rh John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hope, Phil
Hopkins, Kelvin
Howells, rh Dr. Kim
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew

Lucas, Ian
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Prescott, rh Mr. John
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek

Tellers for the Ayes:
Ms Dawn Butler and Mr. John Heppell

NOES

Alexander, Danny
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Barrett, John
Beith, rh Sir Alan
Benyon, Mr. Richard
Beresford, Sir Paul
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Butterfill, Sir John
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Philip
Davis, rh David
Djanogly, Mr. Jonathan
Dorries, Nadine
Duddridge, James
Duncan, Alan
Duncan Smith, rh Mr. Iain
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fallon, Mr. Michael
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harris, Dr. Evan
Harvey, Nick
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howell, John
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mason, John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
Oaten, Mr. Mark
Osborne, Mr. George
Paice, Mr. James
Pelling, Mr. Andrew
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robinson, Mrs. Iris
Robinson, rh Mr. Peter
Rogerson, Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian

Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Wishart, Pete
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Jeremy Wright and Mr. Philip Dunne

Question accordingly agreed to.

POLITICAL PARTIES AND ELECTIONS BILL (PROGRAMME) (NO.4)

Motion made, and Question put forthwith (Standing Order No. 83A(7)),

That the following provisions shall apply to the Political Parties and Elections Bill for the purpose of supplementing the Order of 20 October 2008 (Political Parties and Elections Bill (Programme))—

Consideration of Lords Amendments

1. Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion at this day's sitting at the moment of interruption.

2. The Lords Amendments shall be considered in the following order, namely Nos. 11, 12, 33 to 47, 50, 96 to 98, 105, 106, 1 to 8, 51 to 65, 99, 9, 10, 13, 28, 66 to 68, 14, 48, 49, 100 to 102, 104, 15 to 24, 103, 25 to 27, 69 to 92, 107, 29 to 32, 93 to 95.

Subsequent stages

3. Any further Message from the Lords may be considered forthwith without any Question being put.

4. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—(*Mr. Wills.*)

The House divided: Ayes 282, Noes 194.

Division No. 198] **[5.24 pm**

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Balls, rh Ed
Banks, Gordon
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Byrne, rh Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Curtis-Thomas, Mrs. Claire
Darling, rh Mr. Alistair
David, Mr. Wayne
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Flynn, Paul
Follett, Barbara
Foster, Michael Jabez (*Hastings and Rye*)
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, rh John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hope, Phil
Hopkins, Kelvin
Howells, rh Dr. Kim
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Ilsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Ann
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John

McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Oiner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thomberry, Emily
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vaz, rh Keith
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Watts, Mr. Dave
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek

Tellers for the Ayes:
Ms Dawn Butler and Mr. John Heppell

NOES

Alexander, Danny
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Beith, rh Sir Alan
Benyon, Mr. Richard
Beresford, Sir Paul
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Butterfill, Sir John
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davies, Philip
Davis, rh David
Djanogly, Mr. Jonathan
Dorries, Nadine
Duddridge, James
Duncan, Alan
Ellwood, Mr. Tobias
Evans, Mr. Nigel
Fallon, Mr. Michael
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Green, Damian
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Harris, Dr. Evan
Harvey, Nick
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Herbert, Nick
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Llwyd, Mr. Elfyn
Loughton, Tim
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
MacNeil, Mr. Angus
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mason, John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Milton, [redacted]
Mitchell, [redacted]w
Moore, Mr. [redacted]ael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
Paice, Mr. James
Pelling, Mr. Andrew
Price, Adam
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robinson, Mrs. Iris
Robinson, rh Mr. Peter
Rogerson, Dan
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Swayne, Mr. Desmond
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Dr. Richard
Teather, Sarah

Thurso, John
Timpson, Mr. Edward
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Mr. Roger
Williams, Stephen
Willis, Mr. Phil
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Wishart, Pete
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Jeremy Wright and Mr. Philip Dunne

Question accordingly agreed to.

Political Parties and Elections Bill

Consideration of Lords amendments

Madam Deputy Speaker (Sylvia Heal): I must draw the House's attention to the fact that privilege is involved in Lords amendment 33. If the House agrees to that amendment, I shall ensure that the appropriate entry is made in the *Journal*.

Clause 8

DECLARATION AS TO SOURCE OF DONATION

5.37 pm

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): I beg to move, That this House disagrees with Lords amendment 11.

Madam Deputy Speaker: With this it will be convenient to discuss the following: Lords amendment 12, and Government motion to disagree, and Government amendments (a) to (f) in lieu.

Mr. Straw: Before I deal with the substance of the amendments, Madam Deputy Speaker, I wonder whether I would be allowed to put on record my deep shock and sorrow at the death of Lord Kingsland, of which I learned yesterday. I have recently had a great deal to do with Lord Kingsland, although I did not know him particularly well before that. I talked to him only last Thursday in the context of the Parliamentary Standards Bill. I know that I speak for all Labour Members in saying that everybody who dealt with him found him utterly delightful, courteous, and firm in his opinions but ready to concede that others have opinions. I would like to send my deepest condolences to his family and friends, and to his party.

The amendments arise from those moved by Lord Campbell-Savours in the other place during a well-attended debate on 15 June. At that time—I had expressed this view in this House—the Government advised the other place to vote against amendments that would have had the effect of making donations impermissible unless the donors met standard conditions for a permissible donation and, in addition, were ordinarily resident and domiciled within the United Kingdom. My noble Friend Lord Bach spoke, at *Hansard* column 914, about the Government's serious concerns about the amendments on what he described as "principled, practical and legal grounds", and set out the position of the Government. It is no great secret that that has indeed been the Government's position.

No one, least of all myself, has a difficulty with the idea that those who make donations to political parties, like those who participate more widely, should have a clear and practical connection with our democracy, not just a technical one. The issue is not one of sentiment but about the matters to which my noble Friend referred in the other place.

As my right hon. Friend the Minister of State said a short while ago, we in this House have to take account of sentiment here, among all parties and on the Back Benches as well as the Front Benches, as well as sentiment in the other place. That does not mean that we simply accept every amendment that is moved, but two things

[Mr. Straw]

were striking when the matter came before the other place. One was the extent of the alliance that led to the amendments tabled by Lord Campbell-Savours going through, and the other was the difficulty that both the Conservative and Labour Front-Bench teams, if I may say so, found in encouraging otherwise loyal party supporters into the Lobby.

There has subsequently been a lot of discussion, and I understand the concern of the right hon. Member for Horsham (Mr. Maude) about the short time in which the amendments were tabled. We sought to consider actively whether there was any basis on which we could accept the principle behind the Lords amendments. However, in producing our amendments we had to acknowledge that although Lord Campbell-Savours did his best with his amendments, which are found in Lords amendments 11 and 12 and in clause 9 of the Bill as it came out of the other place, they were completely technically unworkable and complicated. I think that Lord Campbell-Savours and his supporters in this place accept that.

Mr. Nigel Evans (Ribble Valley) (Con): I assume that the amendments relate not just to financial contributions but to benefit in kind. I have campaigned in American elections in the past, which would clearly have a cost. If an American student wished to come across here and campaign during the next general election for a Member of Parliament of whichever political party, would that be seen as a benefit in kind? Would it have to be registered somewhere?

Mr. Straw: I am afraid that I had no notice of that question, but I shall try to provide the hon. Gentleman with a clear answer before the end of the debate. I hope that that is helpful.

Mr. David Drew (Stroud) (Lab/Co-op): One of the things about which some of us on the Labour Benches feel strongest is the allegation that there has been no debate on these substantial and substantive issues. It is true that we did not have a debate about them in this place, much to the sadness of some of us on the Back Benches, but there has been forthright debate led by my hon. Friend the Member for Pendle (Mr. Prentice) about what many of us who believe in democracy want to do—outlaw those from abroad who wish to buy elections. That is why we thoroughly welcome the Government's change of heart.

Mr. Straw: I am grateful to my hon. Friend. How much time is spent on legislation in this House is a wider issue to consider, and I hope that my hon. Friend the Member for Cannock Chase (Dr. Wright) and the Committee of Back Benchers of all parties that he is establishing will consider that in much more detail. I regret that the matter was not discussed on the Floor of the House on Report some months ago. One curiosity is that, in comparison with the time for which previous Parliaments sat, we are not sitting for fewer days or hours overall. The crucial issue is how the time is used and the balance between legislation and non-legislation.

Bob Spink (Castle Point) (Ind): I am sympathetic to the sentiments that the hon. Member for Stroud (Mr. Drew) expressed a moment ago. Notwithstanding reasonable Government concerns about the practicalities and enforceability of Lords amendments 11 and 12, does the Secretary of State share the public concern, as well as that in the House, about the need to restrict the definition of "permissible donors", and to exclude people from abroad who do not participate properly and fully in our tax system? We could thus exclude people such as Lord Ashcroft, who has bankrolled the Conservative party for many years. That abuse of the electoral system must be stopped, and stopped quickly.

5.45 pm

Mr. Straw: I understand the hon. Gentleman's argument. Part of what concerned Lord Bach, other colleagues and me was ensuring some consistency between the regime for donations and that for more general participation in our system. As I said, the Government have decided that it is possible to accept the burden of the amendments, and I now want, if I may, to get some important points on the record, not least to take account of the point that the right hon. Member for Horsham made about the short time for tabling amendments.

Lords amendments 11 and 12 refer to residence for the purposes of the Income Tax Act 2007, but residence is not appropriately or meaningfully defined. Part 14 simply sets out residence in certain specific cases. The amendments fail correctly to refer to the place where an individual is not domiciled. That risks casting unnecessary doubt on the way in which the provisions are supposed to work. The Government have therefore tabled amendments (a) to (f) in lieu of amendments 11 and 12. However, let me state from the outset that the amendments do not fully deal with the problems these the defects of the amendments in their current form cause. Should amendments (a) to (f) be agreed by the House today, the Government will table, when the Bill returns to another place, such further amendments as they consider necessary to put a fair and workable scheme in place. I am happy to make the drafts of those amendments available to members of other parties. I do not ask them to endorse them, but if they find it helpful to see them, it is our responsibility to provide them, and I happy to do that. I recognise the frustration about the time available.

I also want to make it clear that any restriction on permissibility of donations—one of the major problems with the proposition—linked to an individual's taxation status would not currently be fully enforceable without further steps being taken. Should the amendments be agreed, we would want to discuss the implications carefully with the parties and the Electoral Commission before the new restriction came into force.

Before describing the amendments in more detail, I briefly remind the House of the current structure relating to donations under the Political Parties, Elections and Referendums Act 2000. Under the system that that Act introduced, political parties are not permitted to accept what are called "impermissible" donations of above £200, although the Bill raises that threshold to £500. When a party receives a donation above the threshold, it must take "all reasonable steps" to verify that it has been received from a permissible source. If it receives a donation from an impermissible source, it is required to return it in 30 days. It is an offence not to do so. The party must also report receipt of any impermissible donation to the Electoral Commission. Additionally, if

a party accepts an impermissible donation, the Electoral Commission may apply to a court to seek forfeiture of an amount equal to the donation.

Amendment (a) would add to the existing requirement for an individual to be registered on an electoral register by requiring that a registered party may not accept a donation from an individual unless that person is resident, ordinarily resident and domiciled in the United Kingdom in the previous year. Colleagues will know that an individual's tax status—particularly their residence status—can change from year to year. It is therefore almost impossible to establish somebody's tax status, and particularly residence status, in the middle of a tax year. For that reason, we have alighted on the previous year, although we are open to arguments about whether that approach is correct.

Bob Spink: Has the Justice Secretary considered making that requirement more onerous, by requiring registration for tax purposes to have taken place, say, in the previous three or five years?

Mr. Straw: We have not, and I think that there would be objections to that. There is the category of resident, ordinarily resident and domiciled, but people may have been domiciled here but resident abroad, and may then have returned. I understand what the other place was driving at and what this place is driving at, but we have to ensure that the regime that we put in place is proportionate, although I will come to that in a second.

Mr. Geoffrey Cox (Torridge and West Devon) (Con): I wonder whether the Secretary of State could help me. Is it correct that amendment (a) will mean that people who are British citizens and entitled to vote in a British general election may not donate to a political party for which they intend to vote?

Mr. Straw: It is certainly the case that the effect of amendment (a) could be that somebody registered as an overseas voter under the provisions of the Representation of the People Act 1983, as further endorsed, would be able to vote in an election but not give donations.

Pete Wishart (Perth and North Perthshire) (SNP): Does the Secretary of State believe that there is any merit in applying the same principle to elections in Scotland? If it is not right and proper for those who are not on the electoral register in the UK to buy elections or influence results, surely the same principle applies to elections in Scotland. I know that the Secretary of State will say that this is all about the UK, but surely the same principle must apply to Scottish elections.

Mr. Straw: The same principle will apply to Scottish elections. I do not follow the hon. Gentleman's point, unless he is seeking to erect an iron curtain between us and Scotland. *[Interruption.]* The right hon. Member for Wokingham (Mr. Redwood) says that the hon. Gentleman wants to exclude English donations. I suspect that there is an element of that—perhaps he would have an ethnic test as well.

Pete Wishart: Just to clarify for the Secretary of State, the point is quite straightforward: the same principle that he is trying to apply to the rest of the UK should also apply to Scotland. If someone is not served by the Scottish Parliament—if they are not registered to vote and not domiciled in Scotland for the purposes of Scottish elections—why should they be able to influence or buy election results in Scottish elections?

Mr. Straw: That is like suggesting that unless one is domiciled, resident, ordinarily resident and registered to vote in Blackburn, it is not possible—*[Interruption.]* Hang on, it is exactly the same—*[Interruption.]* The hon. Member for Ribble Valley (Mr. Evans) mentions his constituency. In fact, I do get donations from Ribble Valley, because that is where the people who have done really well move to. They cannot buy houses expensive enough in my constituency, but they carry on wishing to support me, and I am very happy to take their support, including their money.

Pete Wishart: That is trivialising it.

Mr. Straw: It is not trivialising it—in fact, someone might move, surprisingly enough, south across the border to Carlisle. Why on earth should they not be allowed to donate—*[Interruption.]*

Madam Deputy Speaker: Order. Could we apply the usual rules of debate?

Mr. Straw: I will draw this exchange to a close, but just say that it illustrates that the hon. Member for Perth and North Perthshire (Pete Wishart) does not even concede the idea of a Union. He simply wants Scotland to be a foreign country. That is his business, but it is not where the majority of the Scots are on that matter, and it is certainly not where the majority of those who live in the United Kingdom are.

On residence, we looked closely at whether the wording, which seeks to right the technical defects in Lords amendments 11 and 12, provides the right results. We would want to be sure in finalising the drafting of the relevant clauses that the overall approach was proportionate—a point that I was trying to reflect in my answer to the hon. and learned Member for Torridge and West Devon (Mr. Cox). Domicile is a common-law concept. Our understanding is that large numbers of people may be non-domiciled in those terms, but still pay full UK income tax. If Lords amendments 11 and 12 were aimed not at such a category, but more at those who seek to restrict their tax liabilities through their residence or domicile status, we would need to think about whether amendment (a) should be revised with that aim in mind. We will certainly listen carefully to the debate today. Given that a person's right to freedom of association, as enshrined in article 11, is in play, we should not be complacent about the potential ECHR implications of any proposals in this area.

One potential option to address that issue—it is only one option—would be to specify that recipients of donations would be required only to satisfy themselves as to an individual's taxation status for donations above £7,500, rather than the £500 threshold. The result would be that the restriction would target only those who donate significant sums of money—that is, amounts that require that the fact of the donation be made public. Anyone wanting to make a smaller contribution would not be subject to the new requirement, with the result that the proposal would not operate as an absolute bar on a potentially large category of donor. Also,

[Mr. Straw]

setting the permissibility threshold in relation to taxation status only at the level of the amount at which donations must be reported to the Electoral Commission would plainly be much easier for political parties to operate.

There is a consensus on that, and long may it continue. We have sought throughout to ensure that the changes made to the Bill take account of the impact that the regime for party funding has on the volunteers who staff our parties. Our very good officials and the Electoral Commission sometimes forget this, but as I have told them, our political parties are not staffed by career civil servants, but by volunteers. They are not paid and they do not get expenses; they do what they do because they believe in it. We need to honour them and respect that.

Mr. Cox: I wonder whether the Secretary of State has considered not only article 11, which he mentioned, but article 10, which guarantees freedom of political expression. If a British citizen entitled to vote in a general election is not also entitled to donate to the party of his choice, that raises serious questions about whether he is being denied the opportunity freely to express and implement his political opinions.

Mr. Straw: I think that we are going to have quite a good argument about that one. I heard what the hon. Member for Huntingdon (Mr. Djanogly) said about a consensus, and we have achieved a high level of consensus. People have criticised the time that the Bill has taken, but at least it is a lot better than it was when it started. I hope that we can continue in that vein.

Mr. Evans: There seems to be a lot of thinking on the hoof here, and I am not sure how well thought through any of this is. However, the Lord Chancellor just mentioned the figure of £7,500. Is that in totality—that is, the amount that goes to the centre—or could an individual give £7,500 to 646 constituencies?

Mr. Straw: Typically, those sums are aggregated over a year. If I am wrong, I will let the hon. Gentleman and the House know, but the limits cannot easily be evaded, so that if the limit is £7,500, it is £7,500 given by one donor in any one year to a party.

Mr. Evans: To a party?

Mr. Straw: Yes, I think that that is correct. Otherwise, it would be very easy to evade the limit.

6 pm

Bob Spink: I recall that when we debated the Bill a few months ago, I argued that even £500 was too liberal and too high a limit for reporting. Surely the Secretary of State cannot now be arguing that £7,500 is the right level or that it is an amount that volunteers might give to the party without having a personal agenda of seeking to influence policy or buy elections.

Mr. Straw: We are seeking to deal with the issue of proportionality. My view is that setting the minimum limit at £7,500 will deal with the issues that were of concern, as it turned out, to Members on almost all sides in the other place, without imposing an unnecessarily stringent burden on individual parties that is difficult to enforce. The lower the limit, the greater would be the likelihood of administrative headaches for parties, and the greater the risk of potentially damaging mistakes. That is where I am coming from on this issue.

May I also say to the hon. Gentleman that, at the moment, what a local party treasurer has to do is relatively straightforward? They simply need to check that the person in question is registered to vote or, in the case of a company, to check that it is registered in this country. Even in that context, there was a complaint against my party and, therefore, indirectly against me, although the Electoral Commission did not find that we had acted dishonestly or dishonourably in any way. An error was made by my party treasurer, and such errors are made by others as well.

The inherent difficulty—there is nothing that we can do about this—is that, at the moment, the information that a treasurer needs to check is on a public record. They need to check whether someone is on the electoral register. Having established someone's identity, it is relatively straightforward to check whether they are on the electoral register or the name of the company. People's tax records, however, are confidential to Her Majesty's Revenue and Customs. Moreover, I recall that the Revenue holds tax records for only 9 million people, out of an adult population of about 40 million. It does not keep the other people's records. Why should it? Only about 9 million people complete an income tax return. The rest pay their taxes through the pay-as-you-earn system. There are overwhelming objections to providing access to the Revenue's database, but even if there were none, that database would not reveal whether someone was resident, ordinarily resident and domiciled in this country.

The only way is to impose a requirement on the donor to self-declare. The party can then check that they have filled in that box. We are also looking actively at tabling amendments in the other place to ensure that, when a party treasurer has acted reasonably to check those things, they cannot then be found guilty of an offence, save in exceptional circumstances when there is evidence that they have been acting in collusion to perpetrate a fraud.

John Mann (Bassetlaw) (Lab): I am a little bemused about where all the treasurers with these problems will be. I have examined every set of accounts for the past four years for every constituency party on the Electoral Commission's website, and I can inform my right hon. Friend that there are very few local parties across the House that receive such large donations, either from abroad or from this country. This is not a problem that my treasurer has faced. It is not a problem in any Labour constituencies or for the smaller Opposition parties. There is only one party that has this problem: the Conservative party. Is not the point of the measure that it is about democracy and fairness in our system? My right hon. Friend is being far too generous to these people who are undemocratically funded by overseas donors.

Mr. Straw: I am sorry to disagree with my hon. Friend, but the issue of proportionality—*[Interruption.]* I also apologise for my cough. The issue of proportionality affects all the parties. I have not been through every declaration made by all the parties, but, at the last election, as in previous ones, my party self-evidently declared donations above the declarable limit.

Mr. Francis Maude (Horsham) (Con): Does the Justice Secretary share my gratitude to the hon. Member for Bassetlaw (John Mann) for making it absolutely, nakedly clear that this is a blatant piece of partisanship, which the Justice Secretary has been bounced into accepting by his Back-Bench colleagues? After all, he was reported in *The Guardian* only at the beginning of last week as having told members of the parliamentary Labour party that they were going to be whipped to vote against these amendments tonight. Just what has happened in the meantime to make him change his mind?

Mr. Straw: The right hon. Gentleman should not always believe everything that he reads in the newspapers. In fact, that is not what I said, but let us leave that aside. It is perfectly plain that the Government position on this has changed, and I have sought to set out the reasons why.

I do not agree with my hon. Friend the Member for Bassetlaw (John Mann) that this is just about one party. It palpably is not, which is why I find the approach of the Conservative party slightly surprising. It is about trying to get a regime for party funding settled and straight. We have made a lot of progress on this, but we need to make a little more. My right hon. Friend the Minister of State made the point to the House—and, indirectly, to the right hon. Member for Horsham (Mr. Maude)—that, if the Conservatives had been that exercised about this matter in the other place, they might have ensured that rather more than 40 of their party's 200 Members there had turned up to vote. As I understand it, they were on a free vote for most of that evening. The truth is that a wide range of Cross Benchers, members of no party and others, voted for the amendment moved by Lord Campbell-Savours.

Mr. John Redwood (Wokingham) (Con): Will the right hon. Gentleman give way?

Mr. Straw: Of course—not least so that I can have a cough.

Mr. Redwood: I am pleased to give the Secretary of State an opportunity to sort out his cough; I hope that he will soon feel better. Will he tell the House the position in European law? Presumably, the Bill means that in European elections—and a European referendum, if we held one—no one could intervene to fund the campaigns from the continent, for example. That does not cause me any trouble, but I wonder how it squares with European law.

Mr. Straw: I shall have to come back to the right hon. Gentleman on the question of European law, and I will do so. My recollection is that the same rules on donations apply to elections for the European Parliament as to any other elections, notwithstanding the fact that there is some difference in the franchise, as he will be well aware.

The legislation governing donations to political parties and regulated donees in Northern Ireland rightly enables Irish citizens to make political donations to those parties and donees. We would not want to alter that arrangement, and the intention of subsection (b) of proposed new subsection (2ZA) is therefore to make clear our desire that Irish citizens will retain the ability to donate to political parties and other authorised recipients in Northern Ireland. The Government will table further amendments to clarify the intention underlying the subsection in due course.

Amendment (a) would also insert new section 54B into the Political Parties, Elections and Referendums Act 2000. That would require an individual making a donation above £7,500 in any given year to provide to the donee a declaration affirming that they satisfy the requirement to be resident, ordinarily resident and domiciled in the UK for tax purposes in the preceding year. That declaration requirement will sit alongside the requirement to provide a declaration as to the source of the donation, as required by proposed new section 54A of the 2000 Act.

Amendments (b) to (f) are consequential amendments. They ensure that the permissibility and declaration requirements relating to residence, ordinary residence and domicile that I have described are carried through to regulated transactions such as loans, and to donations to other regulated donees under the 2000 Act—that is, regulated individuals such as MPs, members associations, third parties and permitted participants in a referendum.

Any change to the requirements regarding permissibility of donors is significant, as parties are under a duty to comply with any new restriction. The current requirement for an individual to be registered on an electoral register offers a simple test. If the amendments were accepted, political parties and the Electoral Commission would need to be able to satisfy themselves that a donor met a new permissibility requirement. I have already explained the problems inherent in trying to ascertain someone's tax status.

I note that the Electoral Commission, in its briefing ahead of these debates, has commented in detail on the difficulties of enforcing the permissibility requirement set out in Lords amendments 11 and 12. It commented on a particular effect of those amendments—that

> "in many cases it is likely to be difficult for the political party or regulated person who has received a donation to confirm whether the donor is permissible under the Bill's definition",

or not. Other concerns were set out and the Electoral Commission ended by saying that the Government "should address these issues".

Dr. Nick Palmer (Broxtowe) (Lab): I am grateful to the Justice Secretary both for giving way so frequently and for his willingness to help in the effort to clean up our political system. It is surely an important principle that British politics should not be substantially funded from overseas. Does he agree that the Electoral Commission does not oppose the change, as is sometimes reported, but says simply that the House will need to consider the consequences carefully? That could be addressed by requiring, for instance, the donor to give a legally binding declaration.

Mr. Straw: It is a matter of record that the commission has said that its role is to apply the law in carrying out its regulatory remit and to advise Parliament and others whether the proposals for changes to the law are workable. It sets out its concerns on page 5 of the latest briefing. It goes on to state:

> "If Parliament wishes to change the test that the 2000 Act uses for the permissibility of individuals",

[Mr. Straw]

it should address the issues raised in some detail, which we have sought to do in the amendments and will continue to do when the matter goes back to the other place.

I have already set out the problems presented by the records of Her Majesty's Revenue and Customs—as a result of the PAYE system, a large number of taxpayers simply do not have tax records, so there must be self-declaration.

If the amendments are approved, it will take some time—I cannot provide an exact timetable—to ensure that regulations are brought in and guidance is established so that the provisions are workable and political parties, not least party workers at the local level, know where they are. Overall, I believe it is possible to make the sentiment behind these Lords amendments workable. That is what we have sought to do.

Mr. Cox: I hope that the House forgives me, but at the moment I am struggling to understand the rationale for the amendment. The Secretary of State has provided no justification for it. If someone is entitled to vote in a general election, what is the rational connection between participation in the tax system—someone might be abroad for a few years, working as an expatriate—and not being allowed to donate? If the Secretary of State would address that fundamental issue, I am sure that the House would be grateful.

Mr. Straw: It is a matter of judgment, but all parties have stated their desire to see big money taken out of politics and to see foreign donations removed from politics. My starting preference was to get an examination in the round of the connection that was needed by people who were otherwise British citizens before they could participate to a greater degree in our politics—*[Interruption.]* I am responding to the hon. and learned Gentleman's point—by way of donations or standing for and sitting in Parliament. However, that was not to be. If the hon. and learned Gentleman looked at the contribution of Lord Neill of Bladen to the debate in the other place on 15 June, he would be struck by the fact that Lord Neill, who was the Chairman of the Committee on Standards in Public Life, which produced the original plan that fed into the 2000 Act, now says that he supports Lord Campbell-Savours' amendments. He voted for them and explained why in a short but powerful speech.

I understand the argument that the hon. and learned Gentleman is making—it would be fair to say that I have made it myself—but the truth is that others not just of one party, but of all the parties and none, take a different view, which we have to take into account. I thus support amendments (a) to (f).

6.15 pm

Mr. Jonathan Djanogly (Huntingdon) (Con): May I first support the Secretary of State's kind words about Lord Kingsland, who was a truly fine gentleman? He was caring, charming and a good lawyer; he was always fair in debate and rational in his approach. I have always enjoyed working with Lord Kingsland, who will be sadly missed by colleagues. Our thoughts are with his family.

We can see the outline purpose of the Government amendments on clause 8's permissible donor provisions, but the fact remains that the clause will be extremely hard to implement. We feel that it could be unreasonable to impose requirements that are so difficult to meet, particularly when the consequences are so draconian. It may be an infringement of an individual's right to freedom of expression; it is most likely to be contrary to European law; it would contribute to the isolation of UK citizens living abroad; it is contrary to regulatory principles; and it links political rights to taxation. Furthermore, it does not correctly address a mischief that the Political Parties, Elections and Referendums Act 2000 aimed to address—namely, a clarification of the rules on party donations.

The Electoral Commission was concerned that those it regulates will not be able to comply with these proposals in their current form and that the resulting law will likely be unenforceable in practice. It has called on the Government to review clause 8, so the Minister might wish to report on the Commission's view in his reply.

The change of Government policy over the past few days and the provision of these amendments only today are simply unacceptable. As my right hon. Friend the Member for Horsham (Mr. Maude) said, is it not true that only last Monday the Secretary of State told Labour Back Benchers that the Government proposed to impose a three-line Whip today to overturn these provisions? The Secretary of State said that that was not quite the case, but he did not answer my right hon. Friend's question about what had happened in the meantime. This is legislating on the hoof, and we do not much like it.

Dr. Palmer: Does the hon. Gentleman feel that freedom of speech implies a freedom to donate money, which is a peculiarly American interpretation of the idea of freedom of speech? It is the idea that "money talks".

Mr. Djanogly: The roundabout answer to that is no, but I shall explain why later in my remarks, at which point the hon. Gentleman might like to contribute again.

Let me explain why we believe that these provisions will not work. The permissible-donor provisions would impose a three-prong test, which all political parties would have to perform before accepting any political donation. The first test—whether the donor is on the electoral register—was introduced precisely because it was straightforward and easy to implement and to check.

When the Political Parties, Elections and Referendums Act was enacted, Parliament chose to use a formulation that would have included, in the category of permissible donors, individuals who were eligible to be on the electoral register—recognising the difficulties that any other formula would create. Registered parties are entitled to a free copy of the electoral register in hard copy or in electronic data from the relevant registration officer for the purposes of complying with the controls on donations. It is therefore relatively straightforward to check whether a donation is from a permissible donor under section 54(2)(a), as currently in force.

The two further tests proposed, following the Lords amendments, are not quite so straightforward. The first test relates to residency. According to paragraph 2455

of the explanatory notes to part 14 of the Income Tax Act 2007—that gives some idea of the volume of our current tax legislation—

"The question whether or not a person is UK resident is primarily to be determined in accordance with case law. A limited number of statutory rules either supplement or disapply the case law rules in specific circumstances."

There is no statutory definition of "residence". The tests for residence are based on a mixture of legislative interpretation and case law. In addition, Her Majesty's Revenue and Customs has published guidance in HMRC 6 that outlines its view and interpretation of the legislation and case law, which is intended to help people to determine their residence status. There is no register of UK-resident individuals. It would therefore be necessary to provide individuals with information in an attempt to enable them to determine whether they are resident in the UK, and then to require them to make a declaration that they are resident at the time they make a donation.

The Secretary of State quite properly mentioned the problems that treasurers would have in verifying residency details. In some circumstances, it may not be possible to establish with certainty whether a person is UK-resident on the date when he or she makes a donation. It is conceivable, albeit unlikely, that people could make a donation to a political party at a time when they believed themselves to be resident in the UK, but it could be determined at a later date that they were not. Such a situation might arise as a result of one of the different tests for determining a person's residence that are summarised in HMRC guidance, which may combine an individual's intention with average-day counting over a four-year period to determine whether the individual is UK-resident.

Let me give an example. Those who spend 183 days or more in the UK in a tax year will always be treated as UK-resident. However, those who spend less than 183 days in the UK in a tax year but come to the UK with the intention of spending, on average, at least 91 days, and then spend an average of 91 days or more per tax year over a four-year period, will be treated as being UK-resident from the tax year in which they first came to the UK. If their intention fails and they leave the UK earlier than expected, they may not be treated as UK-resident from the date on which they first came to the UK. It would clearly be impossible to determine with certainty until the end of the four-year period whether a person should be treated as UK-resident according to that test, and that may affect the validity of a donation made to a political party during the period.

Another question that might arise is whether there would be any tracing rules that would prevent non-domiciled or non-UK resident husbands or wives, for example, from giving their UK-resident and domiciled spouses money to donate to a political party. Has the Minister considered that issue?

David Howarth (Cambridge) (LD): I am finding it difficult to envisage the practical circumstances in which the hon. Gentleman's example would apply. It seems to me that people making a claim to the tax authorities would know what they had claimed to be their resident or non-resident status. I cannot imagine circumstances in which someone would say to the tax authorities "Yes, I am resident" and then, strangely, turned out to be non-resident. I cannot see what tax advantage there could be for the taxpayer in such circumstances.

Mr. Djanogly: If, after what I have said, the hon. Gentleman will not accept that the individuals concerned, not being tax advisers, might themselves encounter practical difficulties in understanding all this, as a corporate lawyer he is not in touch with Joe Public. Furthermore, given that people's circumstances may change during the four-year period, his original statement may be wrong.

The third prong of the test in the permissible donor provisions is domicile, a notoriously slippery concept to anyone who has had to deal with or advise on it. Political parties will have to determine, in relation to every political donation, whether a person is a non-domiciled UK resident. HMRC recently issued new technical guidance on domicile, consisting of 42 pages. The introduction stresses the difficulties inherent in the determination of domicile. HMRC states:

"It is vital to remember that domicile is primarily a matter of common law. The decisions of the courts in the UK and other jurisdictions provide a set of guiding principles, but each case will depend on its own facts".

It also states:

"As domicile depends on the facts of an individual's life, each case is unique."

Many people will never have had cause to consider the question of where they are domiciled. In general, the only people who will have had cause to consider it will be those who are resident in the UK and who have substantial foreign income or gains in respect of which they would like to claim the remittance basis of taxation, or those who have been involved with certain family law issues that may require their domicile to be considered. Such persons are likely to be confined to a relatively small proportion of the total number of individuals who have come from abroad and settled in the UK. It is therefore likely that not only would the vast majority of people never have considered the question of where they might be domiciled, but they would not be familiar with the test for determining domicile. As there is no register of UK-domiciled persons, the political party in receipt of a donation would probably need to ask the donor to make some form of declaration that he or she was so domiciled.

Domicile is a general law concept, and is therefore not defined in statute. Given that many people are likely to be unfamiliar with the general law concept, it would be necessary to provide some form of guidance on what domicile means, and how people could determine where they were domiciled in order to make the relevant declaration. It is clear from the guidance notes published by HMRC that it is not necessarily straightforward to determine domicile in all cases, and it is arguably unreasonable to require political parties to make the complex and intrusive inquiries that they would have to make to ascertain whether a donor was non-domiciled.

Let me explain the tax issues in slightly more detail. It is not absolutely clear what would be meant by income tax liabilities to be determined on the basis that the individual was domiciled. That applies more to the Government's latest amendments. Under current rules, an individual's income tax liabilities are affected by domicile only if the individual elects for the remittance basis of taxation. The election can only be made by non-domiciliaries, but can be made on a year-by-year basis. Is it intended that a resident non-domiciliary who has not elected for the remittance basis in the previous

[Mr. Djanogly]

tax year should be eligible to donate, or are such people ineligible because they were non-domiciled although, for that year, they chose not to elect for the remittance basis of taxation? I think that the Minister ought to make that clear, as the issue is open to misrepresentation.

Dr. Palmer: I have been listening attentively to the hon. Gentleman's speech for nearly a quarter of an hour. He has been saying, basically, that it is all very difficult. Does he agree in principle that it is undesirable for British politics to be financed from abroad?

Mr. Djanogly: Not in all contexts—absolutely not.

Many non-domiciliaries—those with no significant foreign investments, who are likely to constitute the great majority—will not have given any thought to their domicile status. The only residual concern, if the restriction relates to an actual claim to the remittance basis, is that the claim does not need to be made until the individual files his tax return. That may not be until 31 January, following the end of the tax year which is 10 months through the donation year. The exception will be that many individuals will not take the decision until close to the filing date because they will need to calculate whether the election is to their advantage. They may not have the financial information to enable them to do that until some way through the year.

There is, therefore, a clear possibility that an individual might make a donation in the expectation that they would not be claiming on the remittance basis, but at a later date decide to make a claim. Would a donation in that context have to be repaid? Would someone commit an offence in making a declaration that they expected to be true at the time it was made? Once they had made a donation, would they be prohibited from claiming on the remittance basis? If a declaration that is given in good faith is wrong or turns out to be incorrect, is the effect still that the party will have received a donation from an impermissible donor and the donation will therefore be subject to forfeiture?

The party, however, will not be guilty of an offence even if the declaration was made in bad faith if it can show that reasonable steps were taken to verify that the donation was permissible and that the treasurer believed that the donation was permissible, assuming the defence in the Bill is passed. What is considered to be reasonable is likely to depend on the circumstances of the donation and the individual donor. For example, are there factors that might suggest residence outside the UK? A party may ask to see an individual's tax return.

In addition to potential confidentiality issues, the clause might give rise to timing issues. Parties might have to consider repaying donations once a tax return is available making it clear that, contrary to previous expectations, the donor is not permissible. This might be one of the reasonable steps required. A check for Irish nationality might require sight of a passport. It is not clear whether that will be sufficient.

6.30 pm

John Mann: The hon. Gentleman suggests that parties might take the complicated step of asking to check people's tax returns. Currently, when he and his party receive a donation to the Huntingdon dining club, for example, do they check the donor's bank statements to see whether they have also donated to Ribble Valley dining club, for instance, or Horsham dining club, in order to ensure that the maximum amount currently allowed under criminal law has not been breached? I suggest to the hon. Gentleman that they do not.

Mr. Djanogly: I do not know what individual associations do. What I am doing is explaining that this will be pretty unworkable without some serious thought going into it, and I do not think I heard anything from the Secretary of State that addressed that.

Mr. Redwood: As we have been reminded by the Secretary of State, the voluntary tradition in all British parties is an important part of what we do and, in that sense, it makes our democracy special. What my hon. Friend is saying, however, is that all this is complicated and difficult and that no one who is sensible would want to be a voluntary treasurer and have to sign off on this kind of thing. That would apply to Labour and the Liberal Democrats as well as to Conservatives.

Mr. Djanogly: My right hon. Friend makes a very basic, and yet very effective, point that will be reality.

David Howarth: I am still having difficulty following the hon. Gentleman's argument. He argued very strongly for the introduction of the reasonable excuse defence across a lot of offences in this area, but he now seems to be saying that the reasonable excuse defence is too complex to apply. Will he make up his mind about which side of the argument he is on?

Mr. Djanogly: I have to say that I never had the opportunity to apply the reasonable excuse defence to these measures, but we will have to do some more thinking about this for the reasons I have just given.

Mr. Evans: In my halcyon days, I was vice-chairman of the Conservative party, looking after Conservatives abroad. I wonder how that will work now, because we will be campaigning in places such as Marbella and Majorca to get people to register and participate in elections, but at the same time we will tell them, "For goodness' sake, don't you dare give any money whatever to reinforce your democratic rights that you will be exercising at the general election, because you will not be permissible."

Mr. Djanogly: My hon. Friend makes an important point, which I shall return to later. The provision will put off people who live abroad—regardless of why they want to live abroad—from becoming engaged in party politics. To that extent, it is an exclusive, rather than an inclusive, set of provisions, and a poor set for that reason.

On the overall tax position, I have tried to explain that this is complicated stuff, as the Secretary of State also said. It is very poor and unacceptable that we were given these six pages of Government amendments only this morning and expected to come here and present on them in an expert and advised fashion. It seems that the Government amendments' broad impact is to tighten the residency test and introduce a declaration requirement for donors above £7,500. While the latter is certainly a

move in the right direction, we still have many other concerns. As to the specifics of the amendments, however, there was no way that we could have had time to study them, so we will have to revisit them in the Lords.

Returning to the principles behind the permissible donor provisions of clause 8, we believe that it is unreasonable to impose requirements that are so difficult to meet, especially when the consequences of not meeting them are so draconian. That point was also made by the Electoral Commission. The prohibition on the acceptance of impermissible donations and the duty to return any such donations within 30 days of receipt are subject to criminal and civil enforcement regimes. The party and the treasurer are guilty of an offence if the donation is not from a permissible donor and is not sent back to the donor within 30 days of receipt. The court has the power to order forfeiture of an amount equal to the donation.

Section 56(1) of the Political Parties, Elections and Referendums Act 2000 provides that

"all reasonable steps must be taken forthwith by or on behalf of the party to verify (or, so far as any of the following is not apparent, ascertain) the identity of the donor, whether he is a permissible donor, and (if that appears to be the case) all such details in respect of him as are required by virtue of paragraph 2 of Schedule 6 to be given in respect of the donor of a recordable donation."

However, it is true that the Political Parties and Elections Bill provides

"a defence to prove that—

(a) all reasonable steps were taken by or on behalf of the party to verify (or ascertain) whether the donor was a permissible donor, and

(b) as a result, the treasurer believed the donor to be a permissible donor."

In view of the guidance from HMRC as to the complexity of the concepts of residence and domicile and the detailed inquiries that need to be made to ascertain the latter in particular, it is not clear what would constitute "reasonable steps" for these purposes. Primary legislation cannot be challenged on the grounds that it is unreasonable, but if it were considered unreasonable, that would support an argument that the provision was an infringement of human rights. I think that the Secretary of State acknowledged that earlier.

Martin Linton (Battersea) (Lab): Is not the problem that has led to the need for the amendment that the Conservative fundraising effort for many years has been directed not at people in this country, but at Spain, South Africa and Hong Kong? Is it not enough for the hon. Gentleman's party that people living in those countries should be able to give up to £7,500? People have often tried to give £1 million, £2 million or £3 million to the Conservative party. They will not be able to do so in future.

Mr. Djanogly: I hope that hon. Members in general will agree that I am trying to advance a reasoned and considered argument, but if the hon. Gentleman just wants to make party political trashy remarks, he can do so; that is up to him. The answer, by the way, is no.

We also think that the permissible donor provisions of clause 8 may be an infringement of an individual's right to freedom of expression, as my hon. and learned Friend the Member for Torridge and West Devon (Mr. Cox) suggested in his intervention. The case of Bowman v. the United Kingdom of 1998 showed that the European Court of Human Rights would step in to protect the right to freedom of expression even in the case of UK primary legislation designed to regulate the conduct of elections. In that case, it was found that the spending limit on third parties, which was £5 at that time, imposed by section 75 of the Representation of the People Act 1983 was an infringement of the right to freedom of expression under article 10 of the European convention on human rights.

As that right is a qualified right, the Court went on to look at whether the spending restriction was prescribed by law, pursued a legitimate aim, and was necessary in a democratic society. In considering the latter condition, the Court looked at whether the means employed were necessary and proportionate to the aim pursued. It found that the limit was not necessary or proportionate, and the UK Government subsequently amended the legislation to raise the limit.

It is generally established that the right to give a political donation is part of the right to freedom of expression. Clearly the amendment would be a restriction on that right. A court would therefore have to look at whether the restriction was necessary and proportionate to the aim pursued. We cannot pass legislation that restricts an individual's freedom of expression, particularly when we have not been provided with any evidence on whether such a restriction would be necessary and, importantly, proportionate to the aim pursued.

We must also consider the EU law implications of the amendment. According to article 18 of the Maastricht treaty, citizens have a right to move and reside freely within the territory of any of the member states, subject to the limitations and conditions contained in the EU treaty and secondary legislation. The European Court of Justice has defined Union citizenship as the "fundamental status" of Union citizens. Union citizens have a conditional right of residence, and a limited right to equal treatment.

Article 19 of the treaty provides that Union citizens residing in a member state different from that of nationality have the right to vote, and to stand, in the local elections of the state where he or she is residing, under the same conditions as nationals of that state. My right hon. Friend the Member for Wokingham (Mr. Redwood) elaborated on that point in his intervention.

It appears that the effect of the amendment, which would be to prohibit persons not resident or domiciled in the UK from making a political donation—and therefore possibly infringe their right to freedom of expression—could run counter to the basic principle of the free movement of people. That point was effectively expounded on by my hon. and learned Friend the Member for Torridge and West Devon. Indeed, the Secretary of State referred to possible ECHR issues connected with the amendment.

The next problem is that the permissible donor provisions of clause 8 do not correctly address the mischief that the Political Parties, Elections and Referendums Act 2000 aimed to address—arguably it blows a hole through it. The "mischief" at which section 54 of the 2000 Act is aimed, is that of "foreign donations". There appeared, at the time the legislation was passed, to be particular concern about donations from foreign Governments and donations from individuals and persons who had no direct relationship or involvement with the United Kingdom.

[Mr. Djanogly]

Section 1 of the Representation of the People Act 1985 permits overseas British citizens to vote in a parliamentary election if they are registered on an electoral roll, were resident at a UK address within the last 15 years and registered at that address or were too young to be registered but a parent or guardian was registered at that address. Therefore, the requirement in the 2000 Act that an individual be on the electoral roll already incorporates a test of connection, or involvement, with the United Kingdom.

6.45 pm

Proposing the amendment in the other place on 30 April, Lord Campbell-Savours quoted the Electoral Commission as saying:

"The permissibility requirements in the 2000 Act are intended to ensure that only people and organisations with a close relationship to the UK can donate to political parties. It is for Parliament to decide if this is appropriate".

He took that as support for the amendment. It can also be read, however, to support a test that relies on registration on the electoral roll, as that already requires a connection with the UK.

Mr. Evans: Let us envisage a happy scenario: we have a general election and the Conservative party wins it. We do not repeal this legislation—if it becomes law—and we then fulfil our manifesto commitment to give the people of the UK a vote on the Lisbon treaty, which they were promised but on which Tony Blair reneged. The Bill would prevent British residents who have lived abroad for 10 years from coming back to the UK to campaign actively in, or give money to a campaign on, that referendum. Is that correct?

Mr. Djanogly: That could most certainly be the case, and that is a good example of some of the problems with the amendments and the underlying provisions.

In the same debate in the other place, Lord Campbell-Savours said:

"I had a conversation with the Justice Secretary Mr Jack Straw about the matters raised in the next paragraph and he raised exactly these issues with me. Paragraph 2 states:

"The amendments would create an anomaly in rules regarding democratic participation. The amendments would allow a non-UK taxpayer to stand for election, collect and receive political donations, vote in elections and potentially sit in a democratically elected body. But the same individual would be barred from donating money—even to their own campaign. There is no coherent reason for this discrepancy"".—[*Official Report, House of Lords*, 30 April 2009; Vol. 710, c. GC143-44.]

How nicely put. So why have the Government so fundamentally changed their mind on this issue? We agree that there is a question as to whether it is reasonable to allow someone to vote in an election, and even to stand in an election, but not to make a donation to the political party for which he or she is voting. That would tend to suggest that the purpose behind the amendment is not to provide greater protection against foreign influence, as a person who holds public office is intrinsically likely to wield greater influence than someone who gives a political donation.

The Legislative and Regulatory Reform Act 2006 introduced statutory principles to which persons exercising regulatory functions should have regard. While Parliament is not bound by those principles, it is arguable that, when making legislation that has a regulatory function, it should take them into account. The principles are set out in section 21(2) of that Act:

"(2) Those principles are that—

(a) regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent;

(b) regulatory activities should be targeted only at cases in which action is needed."

Because of the difficulties that performing the new tests would entail, it is arguable that the proposals, even as now amended, would be disproportionate.

The increased resources that political parties and the Electoral Commission will need to apply in order to meet the proposed new requirements will not have been considered in the impact assessment. Will the Minister now update the impact assessment before this returns to the other place? I hope that the answer to that is yes. The provision is also disproportionate to the aim of the original legislation, which is to impose restrictions on "foreign donations". Individuals who are on the electoral register have a connection with the United Kingdom, and therefore should not fall within the category of impermissible donors.

The Electoral Commission has stated that if these permissible donor provisions are agreed in their current unamended form, those whom it regulates will be unable to comply with the resulting law, which is therefore unlikely to be enforceable in practice. The Electoral Commission is particularly concerned that the Bill does not provide donation recipients with a right to obtain reliable information—for example, from HM Revenue and Customs—about the donor's tax status. Whether its concerns have been addressed by the Government amendments is something that we will wish to consider carefully before this Bill returns to the Lords.

In the current climate of voter apathy, dwindling party membership, and an increasing disinclination to participate in the political process, is this the right message to send to those UK citizens living abroad who may be affected by the amendment? We should be encouraging people to get involved with democracy and not provide barriers to getting involved in the political process. The reality of modern life is that many people do need to live and work abroad. Are we really saying, in this age of globalisation, that some of our most industrious people—those who get out around the world and promote our country in foreign lands—should be rewarded by having their political tights removed in such a way?

If the provisions go through, will future laws seek to impose yet further restrictions on political donations? By shifting the link between voting and donating to one based on tax status, is there a risk of establishing a principle that political rights should be in some way based on making a contribution to the state through taxation? We cannot just allow political rights to be linked with taxation without a proper and full debate on the issue.

The strongest argument against the provisions is that it would be very difficult for individual donors, for the political parties and for the Electoral Commission, in some circumstances, to establish whether they were in compliance with the new requirements because of the legal complexity of the concepts of residence and domicile.

Mr. Cox: My hon. Friend is making a very powerful critique of the Government's proposals. May I respectfully disagree with him on the strongest argument? The strongest argument, surely, is that there is a fundamental inconsistency between allowing somebody to vote in an election and not allowing them to donate?

Mr. Djanogly: Yes, my hon. and learned Friend makes a fair point. I will not start weighing up the relative merits and demerits of the points that I have been making, but I hope that they are all relevant.

We will need properly to review the Government amendments to consider how things will change. In addition, the parties and the commission would have to create new procedures and devolve additional resources in order to be in a position to ascertain or verify the residence and domicile status of donors. The new restrictions, we feel, would almost certainly be an infringement of the right to freedom of expression, which must be shown to be necessary and proportionate to the aim pursued. Taking that aim to be to prohibit foreign donors, it is arguable that the existing law already achieves that purpose by limiting donors to those on the electoral register. Since a connection with the UK is necessary in order to be on the electoral register, the amendment is therefore not necessary. However, if the aim, as intimated in debate in the other place on 30 April, is to attack the tax status of certain specific donors or to prevent undue influence on parties from large donors, it is arguable that both of those aims are better pursued through other measures, and that this particular measure is not proportionate in those contexts.

The proposals would seem to run counter to the EU principle of free movement of people. They would alienate UK workers and residents abroad, breach regulatory principles, potentially link political rights with taxation and be extremely difficult to implement. They are certainly bad law. I say again that the Bill, with these proposals—whether or not they are amended by the Government—no longer carries cross-party support. We shall review these provisions in the detail that they deserve and return to them in the other place.

David Howarth: May I, too, express my sadness at the death of Lord Kingsland? He always made calm, rational, accurate and perceptive contributions to debates in the other place and he will be sadly missed by those in all parties there and in this House.

The hon. and learned Member for Torridge and West Devon (Mr. Cox) is right that the question is whether there is any difference between the right to vote and the right to donate. If he is right, what is going on here makes a fundamental breach with that principle. However, I think that there is a difference between participating with one's own voice—and counting as one as an elector in an election—and seeking to influence the opinions of other electors through the use of money. They are different things.

The principle behind the amendments and the original proposal in the House of Lords is simply that those who seek to distance themselves financially from this country by using their tax status to reduce their tax liability have, by that very act, distanced themselves from monetary participation in politics. That is different from participation as a voter. It seems absolutely crucial to make that distinction, especially as the Government have now introduced proposals—about which I am fairly relaxed—that mean that the rule applies only when the sum of £7,500 is involved. That is a very large donation, in my view. I do not think that there can be any question about whether there is a violation of rights to participate in associations—an article 11 argument—because there should not be any fundamental right to participate in organisations that it costs more than £7,500 to join.

Mr. Djanogly: Is the hon. Gentleman saying that somebody who decides to go and work abroad and to become non-resident is giving up his right to participation? I think that he said that or came very close to saying it.

David Howarth: No, in fact, I said the opposite. That is why I differ from the hon. and learned Member for Torridge and West Devon, who is saying that the right to participate and the right to donate are absolutely linked. I am saying that they are not. That is my answer to the hon. Member for Huntingdon (Mr. Djanogly). I am not denying that people who go abroad have the right to vote, but I am saying that those who go abroad and then seek to change their tax status to reduce their liability distance themselves from monetary aspects of the political system of this country in a way that should lead to a restriction on their right to influence others through money.

Mr. Redwood: Does the hon. Gentleman then apply the same logic to media groups owned outside the United Kingdom that have an influence on campaigns in Britain? Is he seeking to ban them, too?

David Howarth: I fear going along the lines that the right hon. Gentleman wants me to, but the answer is yes. A fundamental problem in the politics of this country is that foreign-owned media groups are so influential. However, that is not the issue before the House at the moment.

I do not think that the article 10 point raised by the hon. Member for Huntingdon works. His argument was that there is no legitimate purpose in the restriction. If that were right, it would be equivalent to the £5 limit on third party activity in the Bowman case. I disagree with him, however. There is a legitimate purpose. It is the purpose that was put forward in the Bowman case, which is the need to protect the equality of arms between different candidates—in other words, as the Secretary of State said, to keep big money out of politics. That is a legitimate aim and the European Court of Human Rights recognises it as a legitimate aim. The Court said that the provisions in the Bowman case went beyond that and amounted to a bar on any expression by Mrs. Bowman at all. That cannot possibly be the case with this proposal, because, first, it applies only to donations and, secondly, it applies only to donations of more than £7,500.

Mr. Cox: I have enormous respect for the hon. Gentleman, who is a thoughtful contributor to such debates, but I find his distinction "convenient", if I can put it like that. The truth of the matter is that his argument would have more intellectual respectability if he were arguing for a cap on all donations. It is inconsistent and irrational, however, to single out a single class who are entitled under the law to vote, who are British citizens and who have a powerful connection with this country and to deny them the right to donate while allowing it to the hon. Gentleman or to me.

David Howarth: The hon. and learned Gentleman is correct—I do seek a limit and a cap on all donations. If he is arguing that I am supporting this proposal because it is the thin end of the wedge, he is also right. I hope that it is. If there are any inconsistencies of the sort that he describes, I hope that they are resolved in a way that broadens the regulation so that it applies to more and more people.

7 pm

There are, however, some problems with the Bill as drafted. I am glad that the Secretary of State said that the proposals would be considered further before they finally pass. The point about the student that the hon. Member for Ribble Valley (Mr. Evans) mentioned in his first contribution does not work. The Secretary of State did not reply to it, but my understanding of existing law—he might correct me if I am wrong—is that volunteering in someone's own free time does not count as a donation. That point is also important in answering the issues raised by the hon. and learned Member for Torridge and West Devon. This is not a restriction on political activity across the board; it is merely a restriction on donating money.

Mr. Cox: The hon. Gentleman suggests that this is a merely a restriction on donating. This is a matter of freedom; this is a matter of the free expression and the full implementation of expression of one's political opinions. If I have worked hard by getting donations down the street or however I have acquired my money, I should be entitled to put it behind my political opinions.

David Howarth: The hon. and learned Gentleman is right to make that point, but it is one with which I fundamentally disagree. This really is the heart of the matter, and I am glad that we have reached it. The view that money equals freedom in all circumstances is one that, as far as I can tell, only the US Supreme Court takes. I have great respect for the US Supreme Court, but very few other political systems take that view to that extremity.

Every other political system tries to balance the expressive part of spending money on a campaign—supporting a candidate by making a donation that the candidate uses to make their case—and the interest of equality of arms in the political system so that we do not have political system that depends on who has the richest donors. If one is to balance the two, one can conclude that the provisions are justified. Moreover, one must take the view that, to balance the two, one must be in favour of a cap on donations of any sort at all. The hon. and learned Gentleman seems to be arguing against any sort of donation cap under any circumstances; otherwise donors might be told that they cannot express themselves any more by making a donation above £50,000, £10,000 or £7,500. There must be a limit.

Mr. Cox: As the hon. Gentleman seeks to characterise my argument, let me say at once that I might well support of a general cap on donations, but it would have to be done fairly and consistently, and the problem with the measure is that it is not fair and consistent. It may well be said that a proportionate limit on all donations allows for the freedom that I have described, while making allowance for the points that he makes, but it cannot be done piecemeal. The suspicion would be that it is ad hominem, targeted deliberately at a specific target and done for naked political reasons.

David Howarth: But the hon. and learned Gentleman cannot argue that money equals speech and then argue for a cap. That is entirely inconsistent.

Kelvin Hopkins (Luton, North) (Lab): I agree entirely with the hon. Gentleman, but the association between money and freedom is a freedom only for rich people, not for poor people, and the whole point of democracy is that our freedoms should be equal.

David Howarth: The hon. Gentleman makes the very important point that if we were simply to equate money with political freedom, the rich could donate vast amounts to their parties and get an enormous advantage over the poor, even if the poor were donating a higher proportion of their income to their favoured parties. That cannot possibly be a political system that counts as fair and just.

Mr. Cox: The hon. Gentleman mentions poor individuals, but those who are in positions not of individual wealth band together; they form unions; and they make donations worth millions to political parties. If we cap those donations as well, that is fair and fine.

David Howarth: The hon. and learned Gentleman tempts me to go down a different route, but if he returns to the amendments proposed on Report in the Commons, he will see that my party made a proposal that would have dealt fairly with the union link with the Labour party, but I do not want to go down that route, because it is not before us tonight.

Let me conclude by pointing out a couple of difficulties in the present draft of the Bill. First, it is not clear whether the legislation would be easily evaded simply by using companies as a conduit for donations. There appears to be an inconsistency between two parts of the way in which the provisions work. They start simply by talking about whether individuals satisfy particular tax status rules, but the declaration part of the provisions talks about whether that individual has caused a donation to be made. That seems to be different. Whether an individual is a permissible donor based on their tax status is one question; whether the person has caused a donation to be made is a second question. One can cause a donation to be made without being a donor oneself: one can use a company as a conduit or agent. The Government have got things half right. In the declaration provisions, they are getting there—it is about causing donations—but they need to think about whether the provisions themselves, not just the declarations provisions, should cover people causing donations to be made. In fact, in previous debates on this matter, we proposed, without any vote being called, provisions that would, in effect, equate the individuals who control companies with those companies. That would have the effect of changing the entire position.

Let me end by talking about consensus. Throughout the debates on the Bill, for almost a year, the Government have said that it is not possible to make any further progress with the Hayden Phillips proposals, with the cap on donations that would apply to everyone, with global spending restrictions and with a fair resolution of the relationship between the Labour party and the unions, because there was no consensus. In effect, the

Conservative party had a veto on any progress on those matters. We now reach this late stage on the Bill and—the hon. Member for Huntingdon must be right about this, because he makes it so, by the very fact that he objects—the Government have broken that consensus. I very much regret that the Government have wasted the opportunity, throughout the rest of the debates on the Bill, to break the consensus in a far more general way and, to take one of the points made by the hon. and learned Member for Torridge and West Devon, to produce a comprehensive settlement of the party funding issue in a way that would have satisfied the public, even though it might not have satisfied the parties.

Mr. Straw: To suggest that the reason that we did not make progress on the Hayden Phillips proposals was simply that the two main parties did not agree is to parody what happened. The simple fact is that, among many other objections to implementing the Hayden Phillips proposals, is an overwhelming one that illustrates that there is no consensus with the public and that the Liberal Democrats refuse to acknowledge but is correct: the Hayden Phillips proposals are predicated on a high level of state funding. I do not believe that there is a consensus for tens of millions of pounds of additional public money to be used to support the political parties at the moment. That is the fundamental problem.

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. After that little exchange, we had better come back to the amendment.

David Howarth: Thank you, Mr. Deputy Speaker.

I do not accept what the Secretary of State says; I do not think that he has got the Hayden Phillips proposals right anyway.

Turning back to the proposals before the House, I am glad that the consensus on this matter has been broken. I simply regret that it was not broken earlier.

Mr. Gordon Prentice (Pendle) (Lab): So far this has been a conversation between lawyers. I am not a lawyer, and I want to alert the House and the people outside to what this is all about. It is about very rich people buying elections. We can listen to the exchanges between lawyers until we are blue in the face, but that is what it is about—multimillionaires who live abroad buying elections.

I congratulate my friends on the Front Bench on listening to Labour Members and to my friend Lord Campbell-Savours, who moved my amendments in the House of Lords. I am grateful to Lord Campbell-Savours and to my friend the Member for Battersea (Martin Linton), who has championed this issue for many years. When the tax exile amendments, if I may use that shorthand, were tabled in the House of Lords, more Labour peers voted against the Labour Government than voted for them—there was a majority of 22, including two former general secretaries of the Labour Party, Lords Sawyer and Whitty. That was the extent of the alliance. My friend the Justice Secretary said, in his opening remarks, that the Government were listening to the alliance—it was a huge alliance. Many of us think that the Government should have addressed the issue of the super-rich buying elections years ago.

Mr. Redwood: How does somebody buy an election? Did Labour buy its victories in the last few elections?

Mr. Prentice: I am going to come to that point.

I want to address the issue of consensus. Lord Bach, who led for the Government in the other place, said:

> "Any changes should command…consensus…this has been an overriding objective for the Government throughout the passage of this Bill"—[*Official Report, House of Lords*, 6 May 2009; Vol. 710, c. GC239.]

I take a different view. I think that on this issue it would be impossible to reach consensus with the Conservative party. It was never going to agree to turn off the tap that feeds millions of pounds from tax exiles into the party coffers.

Mr. Graham Stuart (Beverley and Holderness) (Con): Will the hon. Gentleman give way?

Mr. Prentice: No, I will not.

Bob Spink: Will the hon. Gentleman give way?

Mr. Prentice: If I am going to give way to the hon. Gentleman I will have to give way first to the hon. Member for Beverley and Holderness (Mr. Stuart).

Mr. Stuart: I am grateful to the hon. Gentleman for giving way. As he is aware, the latest figures for Labour party funding show that 80 per cent. comes from the trade unions, and we know what impact that gives them on our national life. It was Conservative Members who proposed a £50,000 cap on donations, and it is grossly unfair to suggest that there was no possibility of reaching a consensus with us. The Labour party cannot carry on with its downright corrupt situation with the trade unions and blame us for any failure.

Mr. Prentice: We take what the hon. Gentleman says with a shovelful of salt because in an earlier intervention he referred to the communications allowance and, from memory, I think he said that Labour Members voted themselves that allowance. In 2007-08, 158 Conservative Members claimed that allowance, and the shadow Cabinet collectively claimed a total of £185,000 through it.

Bob Spink *rose—*

Mr. Deputy Speaker: Order. Before the hon. Member for Castle Point (Bob Spink) is allowed an intervention, we should remember what is in the terms of the amendments that we are discussing. These wider exchanges are not very helpful when a number of people still want to speak and we do not have all night at our disposal.

Bob Spink: I am very grateful for that advice, Mr. Deputy Speaker.

I congratulate the hon. Member for Pendle (Mr. Prentice) on having done democracy a fantastic service with his long-standing campaign that he is now winning. In the end, right will out. The hon. Gentleman has been fighting to secure our democracy and remove the abuses of party political and election funding. We see those on the Conservative Front Bench squirming, trying to stop the amendment being made, and we all know why: they want to continue the abuses. They want to continue to allow Lord Ashcroft and others who live abroad to abuse the system and fund political parties unfairly and in an unbalanced manner.

7.15 pm

Mr. Prentice: I thank the hon. Gentleman for that point.

Why are the amendments needed? I restate this fundamental truth: it is possible to buy an election. I invite colleagues to visit www.gordonprenticemp.com and click on the blue rosette to find out exactly how much money is being spent in my constituency. There has been a cascade of money over the past two years. *[Interruption.]* It is not about Gordon Prentice holding on to the Pendle seat; it is about rich individuals pumping millions of pounds into constituencies across the country and buying the next general election.

Lord Bach said in the other place that expenditure outside the short period before an election is effectively deregulated. If a rich individual wanted to spend £1 million, £2 million or £5 million a year in a constituency, nothing in the law as it stands would prevent them from doing so. These multimillionaires, some of whom have written books about their tactics, live in their tax havens and influence our politics by bankrolling political parties and buying elections, and their actions pollute our democracy. It is scandalous that Conservative Members, with their lawyerly language, tell us that there are higher considerations that we must take into account. There are no higher considerations.

After its experience with the Conservative peer Lord Laidlaw, the House of Lords Appointments Commission now makes tax status a determining factor in deciding whether to elevate someone to the House of Lords. Why does the Appointments Commission do that? It was because Lord Laidlaw, a former vice-chairman of the Conservative party and a self-confessed tax exile living in Monaco, told the commission prior to his elevation in 2004 that he would bring his tax affairs onshore, and then he refused—he reneged on that promise. But he still gave £3 million to the Conservative party and over £100,000 to a candidate for the mayoral elections in London. The Conservative party did not consider that to be tainted money and handed it back; no, it held on to those millions from Lord Laidlaw. Of course, it is not just Lord Laidlaw; there are other Lords as well.

Let me finish on this point, in case I am straying out of order: we have heard that there is to be a £7,500 threshold for donations to political parties. Multimillionaires and others who want to give a lot of money to political parties will have to sign a declaration that they are a permissible donor, which will include a reference to their tax status. It will be a criminal offence for them knowingly to give an inaccurate or false declaration, and I say three cheers for that. If they knowingly mislead the wider public, the political party and, indeed, Parliament, they can be sent to jail. These declarations are not new. When we stood, all of us, for election to the House of Commons we had to sign a declaration, which went to the returning officer, saying that to the best of our knowledge we were not disqualified from sitting in this place because, for example, we were a peer or had a criminal record. The idea of asking someone to sign a declaration is well established.

The Member for Huntingdon (Mr. Djanogly) raised a few canards earlier. He said—I have heard this until I am blue in the face—that the proposal is hard to implement. Of course it is, but I look to my friends on the Front Bench and to the brainpower of the civil service to close the loophole; that is what we want them to do. We heard from the Member for Huntingdon that the proposal is contrary to European law; well, let that be tested in the courts. We are absolutely doing the right thing. I shall vote for the Government tonight, and I urge all my friends to join me in the Lobby to make sure that the provision gets on to the statute book.

Mr. Redwood: We heard the authentic voice of Labour in that speech from the hon. Member for Pendle (Mr. Prentice), who has insulted the British electorate in a big way. I do not believe that it is possible to buy an election in the way that he suggests. No matter how many millions the Conservative party might have spent in 1997 if the rules had been different, we would have lost. No matter how much money Labour spent in the European elections this year, they would have lost. The British public are quite able to discern what they want and who they want, and they are not driven by the biggest-spending party on any given occasion.

The hurried and perhaps botched amendments that we are considering worry me for both general and specific reasons. I think that they are botched because, as the Justice Secretary kindly admitted, he will have to return to them in the other place, as he knows that they do not deal with all the matters that are coming out in this rather short debate, and that will come out as further consideration is given to the Bill. That shows the danger of legislating in such haste, after quite a long period in which proper consideration could have been given, both in the Chamber and in more general consultation.

My general concern about the new proposals is that they are part of a drift to ensnare our politics in so much legalese and complexity that it puts off many amateurs who would otherwise be involved and be able to participate. I referred in an intervention to the plight of a party treasurer of whatever party. It is difficult enough to conform with the Political Parties, Elections and Referendums Act 2000. We have seen all parties get into difficulties—inadvertently, I am sure. I am sure that they are trying to comply. Even that legislation has proved quite demanding and quite complicated, but as we have heard from Front Benchers of both main parties, it has the merit that all that the treasurer or other responsible official has to do is prove that the individual is registered to vote in this country and is on the electoral roll. There is a roll to which they can refer, and which is reasonably accessible, to establish that they have had due diligence.

The proposals before us involve considerably more complication, in that three separate tests would be applied, and then a person would have to try to ascertain whether all the forms had been accurately filled in. I understand that there is to be self-certification by the individual seeking to make the donation, and that is where the burden will lie. As my hon. Friend the Member for Huntingdon (Mr. Djanogly) explained, that individual could genuinely be unsure, or they might make a perfectly accurate declaration, but the facts and circumstances might change subsequently. Given the speed with which events can occur during an election campaign, it would be quite possible to imagine members of different parties making mistakes. There would be a long legal process afterwards to try to sort it all out.

In a fast-moving democracy that relies on volunteers and voluntary donations, it would seem to be bad law to make things that complicated. The danger is twofold.

First, it means that politics becomes about the process of politics, and it means that individuals and parties hurl allegations at each other in a way that can only damage the general reputation of politics and drag all parties further downwards. If, under clause 8, one party finds something wrong with somebody's declaration, the natural reaction of the other parties will be to find things wrong with the alternative party or parties, through the declarations. They would then throw allegations—perhaps fair, perhaps unfair. That will become part of a process of making politics about whether parties stick to the box-ticking letter of the law, rather than about the big issues that concern constituents and enliven political debate and general elections.

When we get into that kind of snare or trap, we will find that all parties will want to go for more state funding instead. As the Justice Secretary has rightly said, that would be exceedingly unpopular with voters of all dispositions at the moment. However, the more it is made difficult for individuals, companies and trade unions to put their money into political parties on a voluntary basis, the more the political parties will seek other ways of finding state funding—and at a time when the state does not have any money and is having to borrow it all. The public would think that that was extremely unreasonable.

Kelvin Hopkins: The simple answer to all that is to have a savage cut in permissible spending on elections.

Mr. Redwood: I have rather more sympathy for that view. I have said that I favour a tighter cap on election spending, affecting all the major parties. It would be much easier to control any problems that parties may see in the current system through spending controls, rather than through donation controls. That would be easier to police. We know that it is quite possible to police a spending control because there is one in place at the moment; such a control applies to each one of us when we seek re-election, and applies at the national level to each major party. There have not been too many problems with those spending caps. That is a productive and sensible suggestion. I cannot see why we need also look at limiting categories of people who are allowed to donate.

As hon. Friends have said, if someone is entitled to vote in an election, surely they should be entitled to back their vote with a donation. If someone is allowed to run for office in an election to gain even more influence, what is to stop them making a donation to support their or someone else's campaign? The whole thing is quite absurd if looked at from the outside. It makes sense only if one goes down the route taken by the hon. Member for Pendle and reveals the raw politics behind the rather elegant legal debate that we have had, for most of the time, this afternoon.

I urge the Government to think again. Such changes cannot be made without consensus. They relate to the system of election for all parties, and they need to be seen to be fair by all parties involved, but that clearly is not so with this Bill. Such changes cannot be made in haste, and the latest, very chunky, amendments that we are considering have been drafted very quickly, in a way that not even the Government think is reasonable.

Mr. Geoffrey Clifton-Brown (Cotswold) (Con): As always, my right hon. Friend makes a cogent and logical case. Does he not agree that the logic of his case extends to those people, whom all political parties have recognised, who live abroad and have resided in this country within the past 10 years—the period has been varied, but it is currently 10 years—and who are entitled to vote? They ought also to be entitled to give a political donation, if they wish.

Mr. Redwood: That is exactly my view, and the view shared, I think, by most Conservative Members. I recommend it to the Government, because they will have supporters in a similar position—supporters who will feel cut out by the unwillingness of the legislation to allow them to participate fully in the way that other legally registered British voters can by virtue of residence.

It is a dangerous principle to say that someone has to pay tax in a country to participate in its politics. There are all sorts of people in our country who, for good reasons, do not pay tax. Full participation cannot be linked to taxpaying. It is rather divisive to say otherwise, and I find it surprising that that view is taken by the Labour party, which normally stands up for people without much money who do not pay tax for that reason. It is strange to apply the argument in one direction but not in the other, when it comes to the issue of taxation. The American democracy may well have been based originally on the principle of no taxation without representation, but we do not want the principle that there can be full participation only with taxation. That would be a very odd principle indeed in a society where some people do not pay tax for good reasons.

I hope that the Government will take the proposals away and think again. We know that they will think again, because their Front Benchers have promised that other amendments will be necessary to try to make sense of the inadequate amendments before us. I repeat what was said in an earlier exchange: it is quite wrong that something so important and fundamental to our democracy—issues relating to the participation rights of a wide range of British people—should be handled in such a way, at the last minute, without proper time for consideration of the amendments, without a further attempt to create consensus across the Chamber, and without proper discussion of the final amendments, which needs to take place.

7.30 pm

Martin Linton: I thank my hon. Friend the Member for Pendle (Mr. Prentice) for raising the issue in his original amendment, Lord Campbell-Savours for tabling the amendment and winning the vote in the House of Lords, and my right hon. Friends on the Front Bench, who have shown great wisdom in accepting the amendment. They are right to say that it raises practical difficulties, but those are not insuperable.

The Political Parties, Elections and Referendums Act 2000 set the test that a donor should be registered for voting purposes, not resident for tax purposes. That was not my preference, but that test was set because it was the simplest. For most people it amounts to the same thing—to be registered, they must be resident in this country. However, it is possible to be registered as an overseas voter, for which I fought hard at the time. Although we should protect the right of UK citizens who live abroad to vote in UK elections for a limited period, it was never intended that that should act as a loophole for people who go abroad to escape tax liabilities to continue to enjoy the right to bankroll British elections.

[Martin Linton]

People who go abroad for tax purposes should not interfere in our elections. If they do not pay our taxes, why should they have any part in determining those taxes? The right hon. Member for Wokingham (Mr. Redwood) cited the American slogan, "No taxation without representation," and said that the reverse would be unfair—no representation without taxation. We are not arguing for no representation without taxation, but we are arguing that if people do not pay the taxes of the country, there is no reason why they should seek to invest millions of pounds in trying to win the election. Whether money in an election works or not—I have written a book on the subject—is not the point. It is clearly intended that it should, and sometimes, clearly, it does.

Mr. Graham Stuart: I wonder whether the hon. Gentleman realises what an unedifying sight it is to see two Labour Members in marginal seats who, despite the vast expenditure given to them over the years by the taxpayer to spend in their areas, cannot bear the idea that candidates from Opposition parties should have relatively small amounts to be able to have any part-time help to put out any form of communication to the electorate. It is clear that Members on the Government Benches think that Labour, like some monster, should be able to roll on while those in Opposition should be able to spend and do nothing.

Martin Linton: The hon. Gentleman should keep his speech for when he is called. What he said has nothing to do with what I was saying. I seek a level playing field, justice and fairness in elections. That is my sole motivation. I do not do so because of any personal problems in my constituency.

Let us investigate the principle of taxation and influence in the electoral system. It is no accident that it was the House of Lords that passed the amendment. Their lordships were the first to see a clear connection between paying taxes and the right to be a Member of this legislature. As my hon. Friend the Member for Pendle mentioned, the House of Lords Appointments Commission recently announced that it will not accept any new peers who are not resident for tax purposes. That test, being resident for tax purposes, should have been in the 2000 Act. It is now being introduced by the House of Lords Appointments Commission.

Indeed, the other place is debating a Bill that could lead to tax exiles being deprived of their titles, which would be only right. Lord Laidlaw has already been forced to take leave of absence from the House of Lords after failing to abide by a pledge to move his tax affairs onshore. He was appointed on the understanding that he would pay tax in this country, but he has not done so. Their lordships see a clear connection between paying taxes and influencing elections. I do not understand why hon. Members are so slow to see that connection.

The House of Commons has been through a very difficult time in the past few months over the expenses scandal, with many MPs being publicly and humiliatingly disgraced—some rightly, some wrongly. Our job now is to audit MPs' expenses and see whether we can identify and punish wrongdoing and clear other MPs of the dark clouds of suspicion that hang over the whole of Parliament. It is our job to clean up politics, and the amendment is a part of that. It will not do MPs of any party any good to vote against the amendment or even to speak against it. That throws us right back into the morass from which we are trying to escape.

Mr. Clifton-Brown: The hon. Gentleman has acknowledged that he supports the system of overseas voters. Why, therefore, does he discriminate against those voters in the amount that they can give to political parties?

Martin Linton: Of course somebody who goes abroad temporarily to work should retain the right to vote if they wish to retain it. They will also have the right to donate up to £7,500 to an election campaign. I do not think that that is any great infringement of their democratic rights. They know that by going abroad, they put themselves in a position where they cannot maintain the right to influence elections in this country indefinitely. They know it is time-limited, and the amount of money that they may donate to political parties in this country can also be limited.

Finally—this perhaps is a consensual point to end on—I strongly believe that we should introduce gift aid for small donations to political parties, so that the money that might come out of the political system through the amendment can be put back in through a fair system of tax exemption on donations. I tried, with my hon. Friend the Member for Pendle, to table an amendment to the Finance Bill that was originally tabled in the House of Lords with support from Conservative and Liberal Democrat peers. It was the subject of consensual all-party agreement, and it would help to put back into the political system the money that is being taken out. It is far better to rely on a large number of small donations than to rely, as we do at present and which we are trying to change, on a small number of large donations.

Mr. Graham Stuart: It is a great pleasure to follow the previous speakers, especially the hon. Members for Pendle (Mr. Prentice) and for Battersea (Martin Linton), two notoriously narrowly held Labour seats. No one in the House or outside will be fooled by the passion with which Members in such marginal seats view the relatively small funding, as I said in my intervention, given to those trying to oppose the Government and putting themselves forward for election.

The vision for Labour Members, it seems, is to ensure that the trade unions can continue to buy influence within the Labour party. In the last returns, 80 per cent. of the funding of the Labour party came from the trade unions, yet the Government find themselves in negotiation with those trade unions time and again. They want that to happen while barring those who are entirely eligible to vote from being able to back their preference by funding it in the way that others in this country do.

While hon. Members are seeking to bar, through the amendment, people who live abroad from contributing as residents do, they are happy to see funding from Lord Paul, for instance, whose companies bought the Armstrong Group, with many of my constituents losing their pension fund because it was put into liquidation to escape the pension liabilities that the company owed.

Pete Wishart: The hon. Gentleman has twice mentioned the relatively modest sums secured from such funding. For the benefit of the House, will he indicate how much that is?

Mr. Stuart: I am not entirely aware of the sums. Lord Ashcroft is the demon in the minds of Labour Members, who sit there nursing their marginal seats, knowing that the electorate is coming for them. It is that knowledge that drives them on. In their fevered imagination, they see Lord Ashcroft, like some great grey figure hanging over them, sentencing their seat to lose to the Conservatives. To help slay Labour Members' demons, I should say that Lord Ashcroft's donations are far less than those of Lord Sainsbury. We hear about corruption from the Labour party, but a man who was serving as a Minister in the Government gave millions of pounds to them. What about the conflict of interest there? Did we hear the hon. Member for Pendle on his feet day after day campaigning with the hon. Member for Battersea against that conjunction? No, we did not.

Lord Ashcroft's donations are on the public record. They are easy to find, a fraction of what Lord Sainsbury has given to the Labour party and, when broken down by constituencies, amount to a number of tens of thousands of pounds that have simply allowed for the employment of part-time staff and for communication with the electorate—upon which so much of our politics depends. Do I feel embarrassed or am I squirming about that? Quite the contrary: I am delighted that Lord Ashcroft, somebody of such public spiritedness who set up Crimestoppers and has been such a great philanthropist, also recognises the damage that this Government have done to this country. That is why I am so proud to have him as one of our many supporters. We, the Conservative party, are reliant on Lord Ashcroft for a tiny fraction of our income when compared with the income of the Labour party, the massive majority of which comes from the trade unions.

Mr. Gordon Prentice: Will the hon. Gentleman give way?

Mr. Stuart: In order to be brought back to the measure that we are debating, I shall give way to the hon. Gentleman.

Mr. Prentice: I have a simple question: can the hon. Gentleman tell us whether Lord Ashcroft is a UK resident for tax purposes and has been since his elevation to the peerage in 2000?

Mr. Stuart: I can tell the hon. Gentleman straightforwardly that I have absolutely no idea; it is entirely a matter for Lord Ashcroft.

The situation tonight is most unedifying. Ministers recognised that the Lords amendments had no proper place in the Bill but, to throw red meat to the likes of the hon. Gentleman and the hon. Member for Battersea and try to buy off rebels, have decided to allow clause 8 to go forward—despite the fact that it will not work in practice. The hon. Gentlemen are clearly fixated by people of great wealth who might want to donate to political parties, but anybody of any great wealth will of course have companies in which they are major shareholders, and, unless we want to restrict British companies that trade fully in this country also from participating in and supporting British politics, which seems to be the view of the hon. Member for Cambridge (David Howarth), we will find that the clause will be completely ineffectual. I imagine that the Secretary of State, when he discussed it with his colleagues, decided that, like so much of the Government's current legislation, it would not work but, if it appeased Labour Members on the far Back Benches for a while, would be a price worth paying—even if it were of no real moment.

We need to clean up politics, but we need to recognise the real demon that afflicts our political system. The real demon in political funding is not Lord Ashcroft or any of the other thousands of people who donate to the Conservative party; it is a Labour party that is entirely dependent on funding from the trade unions; and a Labour party whose Ministers sit down with Warwick agreements 1 and 2. It is that relationship which is utterly corrupt, indefensible and should be the subject of legislation, not this partisan effort by the Government today.

Mr. Cox: I am going to steer away from partisan rhetoric, because there are some fundamental points that must be considered. I have in mind, particularly, the gauntlet that the hon. Member for Cambridge (David Howarth) so thoughtfully threw down to me, regarding what might be the legitimate objective of the Government's amendments. It has caused me a degree of reflection, because what was striking in the Secretary of State's account of the reasons for the amendments was the almost complete absence of a substantive justification. Indeed, I asked him to give one, saying, "What is the rationale for linking the right to donate to the obligation to pay taxes in this country?" *Hansard* will show his response, but, as I recollect, he said, "Well, I have made the same argument as you have." I have not heard a more half-hearted—indeed, a more apologetic—defence of an amendment since I have been a Member, which I accept is not a very long time.

Mr. Redwood: Does my hon. and learned Friend think that the weakness of the argument is the reason there are now no Labour Back Benchers in the Chamber in their seats? Does he think that they are ashamed of the proposal?

Mr. Kevin Barron (Rother Valley) (Lab): That is not true!

Mr. Cox: One has just appeared.

I must say that I have been reflecting on my right hon. Friend's point as we have been debating.

7.45 pm

I wanted to consider the legitimate objective that the hon. Member for Cambridge gave, but I have to say that it is a remarkable thing, when a Government amendment is best justified by a speech from a Liberal Democrat Front Bencher. However, I listened with interest and a degree of reflection when the hon. Gentleman postulated that, in the Bill before us, the legitimate objective that is being fulfilled is, in effect, the prevention of big money influencing elections, as I think he put it.

I should not subscribe to the free-for-all for which some people criticise the United States system, and I accept that it could be perfectly legitimate to impose a general prohibition, cap or ceiling on donations. However, what I find extremely difficult to understand is how there can be a rational justification to require somebody to pay taxes in this country before they can donate, but not require them to pay taxes in this country before they can vote. I have been wrestling with it from the very beginning and do not understand it.

I perfectly well understand the hon. Gentleman's argument for a cap, but what is entirely factitious is the use of the qualification to pay tax in this country as a preventive bar to donating. That does not seem to be rationally connected. On the question of multiple millionaires, who are largely situated abroad because they exploit looser tax regimes elsewhere, why should we not just say, "They shouldn't be allowed to donate large sums of money, but, in the same way, nor should other people who are perhaps so rich that it doesn't matter to them how much tax they pay in this country"? I do not understand the rational connection between the measure under discussion and the qualification or non-qualification to pay tax in this country.

David Howarth: The rational connection is money: the prospective overseas donor has deliberately distanced him or herself from the obligation to pay full tax in this country and, possibly, uses that money, which they have saved in tax, to influence the political system in this country. That seems to me to be a rational connection. It does not go far enough for me, but it is sufficient for the measure before us.

Mr. Cox: I should understand that, were it a reason for preventing somebody from voting, but the argument is that a British citizen has a sufficiently substantive connection with what is going on in this country to be allowed to vote and to stand in an election, but not to donate. The suggestion that there is somehow a moral or rational justification for the measure, based on the fact that somebody does not pay taxes in this country, does not fulfil the requirement that the hon. Gentleman knows the European Court of Human Rights would impose—namely, a rational justification for the intrusion into the right. We need a legitimate objective. The measure has to be rationally connected with the objective and to be no more than is necessary to achieve it.

We know that large numbers of people who are not in the Labour party's bête noire category, but are relatively modestly affluent, will be prevented from donating. The Secretary of State for Justice proposes a limit of £7,500, but that is an arbitrary figure, plucked from nowhere. Why not £15,000 or £20,000? Why not £30,000? The figures that the Labour party objects to are in the millions, but relatively modestly affluent people who feel strongly may wish to donate £7,500, £10,000, £15,000, £20,000 or £30,000.

Frankly, if we allow somebody to vote and stand in an election, and if they are a British citizen who feels strongly about the fate and destiny of their country, how can it conceivably be rational to prevent them from supporting their own campaigns or those of the party that they support? It simply makes no sense to me at all, and I am fortified in that opinion by the fact that the opinion of the Secretary of State for Justice is the same.

Mr. Graham Stuart: Is my hon. and learned Friend, like me, bewildered by the Liberal Democrat approach to the issue? It seems so anti-European. We are in a single market, where people are encouraged to move across Europe and where people are—in the Liberal Democrat vision, at least—one polity. Yet people who have used that freedom, which we all support and agree with, find themselves artificially restricted because of partisan points of view.

Mr. Cox: My hon. Friend will forgive me if I do not stray down that particular avenue. I am trying to engage with the hon. Member for Cambridge, who gave a thoughtful and impressive speech. He deliberated carefully and pieced his way through with careful fidelity to principle, and it is in that spirit that I want to try to answer.

Mr. Redwood: If the Government are worried about the issue, should they not say that nobody who wishes to be a Labour peer should give the Labour party any money? On the Government's theory, it would be wrong to give a peerage to anybody who had given money, would it not?

Mr. Cox: My right hon. Friend may well be right.

I want to concentrate on whether the proposed measure would have an impact within the context of the Human Rights Act and article 10, which is about freedom of expression. Unlike the hon. Member for Cambridge, I think that that is a real issue. The European Court of Human Rights has plainly considered that the right to donate, to put your money where your mouth is, is encompassed within article 10. One therefore has to answer this question: why single out those who live and are taxed abroad if we are allowing them to vote? The hon. Gentleman has given the reason; he says that tax exiles do not pay taxes in this country and that—I think this a little fanciful—the money that they save could be deployed for the purposes of donation. It is therefore, he says, perfectly legitimate to require that such people should be part of the tax system.

I say with respect to the hon. Gentleman that placing so invasive a restriction on an individual on so flimsy and artificial a footing is not consistent with the principles that he upholds as a liberal. I sympathise with those principles because personal, individual freedom is a fundamental principle about which all in the House, from whatever political tradition, should be concerned; I know that there are Labour Members who feel as passionately about that as I do and the hon. Gentleman does. In considering what principle and the freedom of the individual require, we should not give credence to the convenient and expedient arguments articulated with great elegance and some sophistication by the hon. Gentleman.

The hon. Gentleman's position would have been far more principled, and would have had more of the integrity that he ordinarily evinces in the House, if he had said that the measure looks like what it is. It is, regrettably, a capitulation by the Secretary of State to pressures with which he does not agree; he has adopted a measure in which he has no confidence. He has put it before the House for reasons that the rest of us can only guess at. The principled approach would be to do precisely what the hon. Member for Cambridge said the Secretary of State should have done, and I completely agree: if a measure such as this is to be moved, it should be moved as part of a comprehensive settlement and on the basis of principle, not partisanship.

I have great respect for the Secretary of State for Justice, who is an urbane and civilised member of the Government and for whom one can only have considerable respect. However, on this occasion he has come to the Dispatch Box and, in a sense, declined to give a substantive rationale or justification for the measure. When challenged,

he said that he had used the same argument as his challenger—and he said that so half-heartedly and apologetically. That does not, I am afraid, attract confidence that the measure has the substance, solidity and soundness that it ought to have if the House is to feel obliged to vote for it.

Mr. Straw: With the leave of the House, Mr. Deputy Speaker, I should like to respond to the debate. It has been characterised by two distinct kinds of speeches. The hon. Members for Huntingdon (Mr. Djanogly) and for Cambridge (David Howarth) and many—but not all—contributors from my side have sought to address the issues in a relatively measured way. There have also been some hyperbolic and partisan performances.

I am only too well aware that if we scratch the surface, the issue of party funding arouses great tribal feelings. Whenever two or three Labour Members gather together, it does not take long for a peer's name beginning with "A" to fall from their lips; equally, a particular kind of Conservative Member will foam at the mouth at the very mention of trade unions. I understand that, which is why my general view has always been that we have to recognise the tribal nature of the issue and the fact that people feel strongly about it, and in a partisan way. However, we should also do our best to secure as close a consensus as possible on the issue.

We have a great interest in the fortunes of our own parties, but we are also the trustees of our democracy. The ground rules for that democracy are set here, and we have to hold back a bit in case we descend to the position arrived at in parts of the United States. In those areas, even the setting of boundaries is the subject of the most extraordinary partisanship; how the boundaries are set would make even Mr. Gerry Mander blush. In general, we avoid that here but it is important that we should.

To underline a point made by the Minister of State, Ministry of Justice, my right hon. Friend the Member for North Swindon (Mr. Wills), Conservative Members' hyperbole about the issue sits rather oddly with their behaviour—or rather lack of it—in the other place. The simple fact is that 80 per cent., or four out of five, of the peers who take the Conservative Whip—there are just over 200 of them—failed to vote against Lord Campbell-Savours' amendment when it was before that House in the middle of June; they could muster only 40 Members altogether. That leads me to feel that some of the opposition to this measure, particularly given the amendments that we are now introducing, is, to a high degree, quite synthetic.

8 pm

I hope, in any event, that when the Conservatives are able to examine these proposals in more detail—I apologise to the House for the fact that they were tabled on Friday and were therefore not available to most Members until this morning—they will recognise that they are not quite the end of civilisation as we know it. Indeed, they are a considerable modification—because they have to be—of what Lord Campbell-Savours put forward.

It is also worth Conservative Members—I say this in a spirit of friendship—reflecting on the fact that, to my complete surprise, a significant number of respected Cross-Bench peers, who are wholly non-partisan, strongly supported the Campbell-Savours amendment. They included Lord Jay of Ewelme, a former head of the diplomatic service; Baroness D'Souza, the chair of the Cross-Bench peers; and, in particular, Lord Neill of Bladen, who has a very distinguished academic and judicial record, and who chaired, very well, the Committee on Standards in Public Life and produced the whopping great report in 1998 that laid the foundation of the party funding Bill that I introduced in 1999-2000. He made a very strident speech in favour of these changes. Of course—I put this on the record in answer to the hon. and learned Member for Torridge and West Devon (Mr. Cox)—I acknowledge what is patently true: that my position, and that of the Government, has shifted. However, as my right hon. Friend the Minister and I have made clear, that is because we judged that we needed to take account of the change in sentiment highlighted not least by the debate in the other place.

It would probably be helpful if I answered one or two of the detailed points that have been made. It is continually amusing these days to see how the world has turned upside down somewhat as regards the European convention on human rights. I often notice that the convention and the Human Rights Act 1998 have become so much part of the common currency of British public life that Conservative Members cannot help themselves in praying in aid articles 8, 10 or 11 when it suits them, forgetting that their party has pledged to repeal the Human Rights Act and all its works, and probably to denounce the convention as well.

Mr. Cox: The Secretary of State, almost certainly for reasons of forensic and rhetorical flourish, is misrepresenting and mischaracterising the policy of the party to which I belong. As he knows very well, our policy is to replace the schedule to the Human Rights Act with a new Bill of Rights based on British rights, devised and drafted here. There is nothing wrong with that, and many eminent people from many parts of the political spectrum support it.

Mr. Straw: I look forward to seeing further particulars of that proposal, especially as the other bit of the Conservatives' policy is that they apparently remain committed to the convention. How the devil one is able to draft a new schedule that is consistent with the convention without its ending up being the same as the convention defies me.

Mr. Cox: Will the Secretary of State give way?

Mr. Straw: No, because I think I would be brought back into order if I did so.

The hon. Member for Ribble Valley (Mr. Evans)—he is not here, but it is important that I correct the record—asked whether aggregate donations would breach the limit. Although I did not say so in terms, I said that I thought that the current law was that donations were aggregated. However, that is not the case. At the moment, there is no requirement to aggregate multiple donations in one year. We are considering whether such a provision would be needed, and that will require a great deal of consultation down the track—not for this Bill. In any case, there are some practical problems as regards aggregating donations. That is an existing issue that is not affected directly one way or the other by the provisions in this group of amendments. I hope that that is helpful. I also hope that my note is correct; otherwise, I will end up having to correct the record again.

[Mr. Straw]

The hon. and learned Member for Torridge and West Devon—I apologise again for my cough—asked about proportionality and whether these provisions are consistent with the provisions of articles 10 and 11. At the moment, there is no ban on any non-permissible donor giving up to £200, soon to be £500. We are proposing that, for these purposes, restrictions on a non-permissible donation apply only at £7,500, so somebody could play an active part in British politics from abroad while giving up to that amount. Overall, the restriction is relatively proportionate.

Mr. Graham Stuart: The Secretary of State's clarification again shows how important it is to take time to get such legislation right. I have calculated on my BlackBerry that someone who wanted to give money to a particular party in every constituency in the country could give £4,844,354 a year and apparently not be restricted in any way. That cannot be right, and it must prove my point.

Mr. Straw: I think that someone would soon notice that, and that on the whole people do not operate in that way.

Mr. Cox: You need a Fisherman's Friend.

Mr. Straw: I think I need more than that.

I am going to stop now; I think that would be wise, in the interests of my cough, if nothing else. I commend the amendments that stand in my name.

Lords amendment 11 disagreed to.

Lords amendment 12 disagreed to.

Government amendments (a) to (f) made in lieu of Lords amendments 11 and 12.

Mr. Deputy Speaker: I must draw the House's attention to the fact that privilege is involved in Lords amendment 33. If the House agrees to that amendment, I shall ensure that the appropriate entry is made in the *Journal*.

Before Clause 21

Mr. Wills: I beg to move, That this House agrees with Lords amendment 33.

Mr. Deputy Speaker: With this it will be convenient to consider Lords amendments 34 to 47, 50, 96 to 98,105 and 106.

Mr. Wills: These amendments were introduced on Report in the Lords and accepted without debate. They are seen as necessary for the implementation of the CORE scheme, the co-ordinated online record of electors. In particular, they are essential to ensure that there is authority to create a new non-departmental public body to fulfil the role of CORE keeper. Until November 2008, it was intended that the Electoral Commission would fulfil that role, and the Electoral Administration Act 2006 made provision for that. However, following recommendations from the Committee on Standards in Public Life, the commission is seeking to refocus its functions and concentrate on enhancing its regulatory role, as the House knows. The Government agree with the commission that that is the right thing to do.

Moreover, the Government have now brought forward their proposals for the introduction of a scheme of individual registration. It is quite likely that we will require a central point through which electors' personal identifiers, such as national insurance numbers, may be validated with the relevant authority. The CORE scheme could provide that service. Such a role does not currently fit with the Electoral Commission's redefined regulatory role, but it is important that the public body taking on the role is demonstrably independent from Government. By introducing these amendments, we will ensure that the CORE scheme can be delivered without delay, and that the necessary infrastructure can be developed to facilitate the introduction of individual registration.

The new clause introduced in Lords amendment 33 inserts a new section 3A into the 2006 Act to enable the Secretary of State, by order, to establish a new non-departmental public body in the form of a corporation sole with a view to its being designated by a CORE scheme as the CORE keeper. Taking a power to create that corporation sole in secondary legislation is designed to provide appropriate flexibility so that the precise detail of the structure and operation of the body, and the timing of its creation, can be developed consistently with the CORE scheme order. The public sensitivity about the security and use of personal data is an extremely serious matter, and the Government take it seriously.

David Howarth: I appreciate the need for flexibility, but will the Minister say a bit more about what sort of body he has in mind? Simply requiring the power to be given to a corporation sole might mean that it ends up being given to the Secretary of State, or to a bishop. He must say a bit more than simply about the need for flexibility.

Mr. Wills: Of course I accept that, and I said that the corporation sole must be demonstrably independent of the Government. I do not think that the Secretary of State would quite qualify under that particular criterion.

Data security and protection are very important and, for that reason, the new power provides that the Secretary of State may, in the order that I mentioned, establish an advisory panel to provide advice and support to the office holder on any difficult issues that arise, for example in relation to the management, processing or supply of electoral registration information. The advisory panel would not be a separate non-departmental public body in its own right, but it would form part of the overall structure of the corporation sole.

The amendment provides for necessary matters of detail concerning the creation of the corporation sole to be addressed in the order, and it also makes provision for a number of matters that would be consequential upon the establishment of the corporation sole. In particular, it amends section 1(10) of the 2006 Act to provide expressly that a person designated as the CORE keeper under the CORE scheme order must be a corporation sole established under the new power, or some other public authority. That will preserve the ability of another public authority to take on the role of CORE keeper if that is considered appropriate in future.

The amendment also provides for an order establishing the new corporation sole to be subject to the affirmative resolution procedure and provides that before the order

can be made, the Electoral Commission and the Information Commissioner must be consulted. Those requirements are designed to ensure that the order will be subject to a high degree of scrutiny. I hope that the hon. Member for Cambridge (David Howarth) is reassured by that. We have to retain flexibility, but the House will have ample opportunity to scrutinise any implementation of that flexibility.

I turn to the other amendments. CORE will create a new national database of electoral data, and therefore different security arrangements may be required. CORE will not make any new information available, nor will it supply electoral data to anyone not entitled to them. As the data it will hold will be available from a single point rather than through individual electoral registration officers, it will be easier to access the national data set.

The effect of provisions in the 2006 Act is that regulations governing access to, and supply of, the electoral register by electoral registration officers will also apply to the CORE keeper, subject to any modifications that the Secretary of State considers appropriate. That means that bodies currently entitled to receive copies of the electoral register and related information from electoral registration officers will be entitled to receive the same information from the CORE keeper, subject to the same restrictions on access and use. In the light of that, Lords amendment 34 supplements the Secretary of State's existing power to modify the application of the regulations by enabling additional or different protections to be imposed on the supply of material by the CORE keeper.

8.15 pm

Lords amendment 35 relates to section 3 of the Juries Act 1974, which requires electoral registration officers to supply copies of the register for the purpose of jury summoning. Once the CORE system is operational, it may be more efficient and convenient for the registers to be supplied on a national scale by the CORE keeper rather than by each individual electoral registration officer. Accordingly, the amendment creates a power to amend section 3 of the 1974 Act to provide for that, but it will not allow anyone who is not already entitled to access the register from electoral registration officers to do so from the CORE keeper.

Lords amendment 36 extends the Secretary of State's existing powers in relation to the CORE scheme order, so that it can authorise information sharing between the CORE keeper and the Electoral Commission. As I have detailed, the original intention was for the commission to be the CORE keeper. Now given that is not to be the case, however, it is important that the CORE keeper is able to furnish the commission with information that is relevant to its functions. It is envisaged that that power will enable the CORE keeper to provide the Electoral Commission with information on what checks have been made by political parties—for example, whether a particular person's entry was checked before a donation or loan was accepted from that person. CORE will also provide statistical information to support electoral registration officer performance standards, such as registration changes year on year. The power may also be used to enable the CORE keeper to inform the commission if an electoral registration officer has failed to report back to the CORE keeper on steps taken to investigate potential instances of fraud or other improprieties, as may be required in the CORE scheme order.

I turn to Lords amendments 37 to 50, 96 to 98, 105 and 106, on individual registration. On 2 March, this House spent a considerable period discussing some of the general principles of that most important subject. In these amendments, the Government have set out their approach to the implementation of individual registration in Great Britain. It is an historic shift with a carefully phased timetable, designed to bolster and support both the accuracy and comprehensiveness of the electoral register. I believe that in our previous discussions, there has been agreement throughout the House about how important both those principles are.

Mrs. Eleanor Laing (Epping Forest) (Con): I intervene merely to reassure the Minister that we have agreement on those matters.

Mr. Wills: I am very grateful to the hon. Lady, and I look forward to her support for the amendments as a result.

It is important that we take a phased approach, alongside extensive work to increase registration rates. That will enable us to uphold the integrity of our electoral registration processes as we prepare both the public and the system for this fundamental and historic change. It is vital that we put integrity at the heart of everything we do. Electoral registration is the gateway to democratic participation and without effective registration processes, individuals are denied the right to participate and democracy is undermined.

We all know that the system is not perfect in that respect. On the best estimates, about 3 million or 3.5 million people are eligible to vote but are not on the register, and are therefore denied the right to exercise their vote. That damages our democracy, and we can be satisfied only when every eligible person is on the register. We need to do more to ensure that that is the case and that the historic shift to individual registration does not further damage the integrity of the register in that respect. I will say a little more about how we intend to do that.

Before I discuss in more detail the amendments that were tabled in another place, I would like briefly to talk about the benefits that individual registration will offer. The first is enhanced integrity. All the evidence shows that electoral fraud is not considered a major problem in this country, but there is never room for complacency about fraud. We have taken steps to reduce the risk of fraud under the Electoral Administration Act 2006—for example, by introducing a new offence of providing false information to an electoral registration officer when registering to vote. However, any amount of fraud is unacceptable, and the perception of fraud is equally dangerous. It undermines confidence in our democracy and the perceived legitimacy of our democratic processes. We must take steps to ensure that the registration system is as robust as possible in enabling us to detect and prevent electoral fraud.

For that reason, a system of individual registration offers added security because it requires electors to provide identifying information to register to vote. It enables the system to verify entries against a third-party database and makes it more difficult to fabricate registration. Individual registration is an important step towards strengthening the integrity—and the perception of the integrity—of the electoral process.

[Mr. Wills]

Furthermore, individual registration has the potential to strengthen all citizens' engagement in the democratic process by giving them responsibility for their registration. It replaces an outdated household registration system, whereby one member of the household takes responsibility for registering all the others. That is antiquated and belongs to a different system of suffrage. We need a system that better reflects people's circumstances today.

Introducing individual registration is the most significant change in electoral administration for many years. It is the right thing to do, and it will bolster the security and accuracy of our registration. However, it will make registering to vote more complex for individuals, who will be required to provide additional identifying information to register to vote. We must recognise that some people will experience considerable difficulty in doing that. For example, we know that one in five adults are functionally illiterate. The Government are addressing that vigorously, but it is none the less a fact of which we must take account when we consider how to move to the new system of electoral registration.

We have given careful consideration to the potential impact of the new requirement on the comprehensiveness of the register. The phased approach that we propose is designed to enable us to secure the benefits of enhanced accuracy and security, without damaging the comprehensiveness of the register.

What will the amendments do? Our approach to individual registration is to move in two phases: a voluntary phase and a compulsory phase. During the voluntary phase, it will be compulsory for electoral registration officers to ask individuals to provide the relevant identifying information—national insurance number, date of birth and signature—but individuals will not be required to do that to be on the register.

The voluntary phase will prepare the public for the changes ahead, in particular the new requirement to provide identifying information for the purposes of registration. It will allow electoral administrators to develop the processes and systems for collecting and storing the identifying information. During the voluntary phase, the Electoral Commission will be asked to draft annual progress reports on how the voluntary system is working; the overall health of the registration system, and whether any changes would be needed, were the collection of identifying information to be taken forward on a compulsory basis. That will provide us with invaluable information for our understanding of the effectiveness of the registration system and its readiness for the shift to individual registration.

The voluntary phase will not commence before July 2010—in other words, it will not become entangled with the next general election, whenever that may be—and will not finish before 2014. That period will enable us to be fully confident that the system is ready before we move to the compulsory phase, when it will be obligatory for individuals to provide identifying information to electoral registration officers to be included on the register. It will enable us to prepare the public for the change, and to take steps to bolster registration rates in the meantime. That will be fundamental to protecting the system against the risk of a drop in the numbers registered.

Mrs. Laing: I understand the Minister's point about 2014 and the amount of work that has to be done, but if matters happen to move more quickly than he anticipates, will the Government take steps to bring forward the date for full introduction to, for example, 2013 or 2012, if that is possible and practical?

Mr. Wills: It would be a rash politician who ever said "never", but when the hon. Lady has heard the rest of my remarks, I think she will agree that rushing the matter in the way she suggests would be unwise and risk tarnishing our whole electoral system. I will go through the details shortly, but I ask her to bear it in mind that we already have 3 million people who are eligible to vote but are not on the register. That represents a huge challenge to registration, which we must tackle. Some measures are already in train—we are doing everything we can to tackle the problem, and then move to a system of individual registration. As she will hear, that will create genuine problems and challenges to the registration system over and above the existing ones. To rush the matter and take the risk of even more people falling off the register as a result of undue haste would be unwise and damage the integrity, and the perception of the integrity, of the entire system. When she has heard what else I have to say, she may agree that it would be most unwise to proceed before 2014.

Mrs. Laing: I do not disagree with the Minister. I understand his point and I simply wish to reassure him and the House that we also have the integrity of the register and its comprehensiveness as a top priority and would not wish to rush through any scheme in a way that might harm that integrity or, indeed, the perception of integrity.

Mr. Wills: I am grateful to the hon. Lady for her constructive approach.

I shall now deal with the detail of the amendments. The new clause, which Lords amendment 37 would introduce, provides for the voluntary collection of personal identifiers—date of birth, signature and national insurance number—from electors alongside the existing process of household registration. It would make it obligatory for electoral registration officers to take steps to obtain that information from 1 July 2010, and it would set a minimum level for those steps.

The new clause that Lords amendment 38 would introduce contains a power to make regulations to help enable the voluntary provision of identifying information to take place. The power to make regulations would include, by virtue of proposed subsection (1)(a) and (b), a power to amend the identifiers to be collected during the voluntary phase. That might become necessary if, for example, technological advances required a different type of identifying information to be used. That power would be subject to affirmative resolution, and the Electoral Commission would have to be consulted before it was used. It is potentially a significant power and that is why we believe that it is important to exercise such a high level of scrutiny before it is deployed.

David Howarth: I am slightly concerned about the order-making power's breadth. To give a specific example, will the Minister confirm that, in line with what the Home Secretary said a few days ago, the Government have no intention of using the power to make identity cards part of the system?

Mr. Wills: As I said, our view is that the identifiers should be a national insurance number, a signature and date of birth. We believe that that is appropriate, but things change and it is important for the Government of the day to have a power to respond to, for example, technological changes. I hope that that gives the hon. Gentleman enough reassurance to support the Government on the amendments.

As I have said, the power to make regulations is potentially significant. Therefore, we have taken particular care to have regard to the comprehensiveness of the register and the effect that any change in the identifiers might have on it. Our view is that there are considerable challenges and we do not want to make them worse. Therefore, in consulting the commission, the Secretary of State must seek its view on the impact on the register of changes to identifiers in the event of the provision of identifiers becoming compulsory. That is intended to act as a safeguard, ensuring that any amendments to the identifying information provided would not have a negative impact on groups that are already under-represented.

The new clause introduced by Lords amendment 38 would also provide a power to make consequential amendments to the provision inserted by Lords amendment 37. In addition, subsection (1)(c) of the new clause provides for regulations to make supplementary provision to enable the collection of identifiers on a voluntary basis. The specific matters that can be included in regulations made under that power are listed in subsection (2) of the new clause. Subsection (2) would provide for the Secretary of State to make provision for the kinds of forms that could be used to collect identifiers, what those forms should say, how they should be kept and how data held by the authority responsible for the national insurance number database could be shared with electoral registration officers or the CORE keeper, as well as the charging of fees for the provision of data. The new clause introduced by Lords amendment 38 would make it an offence for an electoral registration officer to share information other than for specified purposes.

8.30 pm

In addition, the new clause introduced by Lords amendment 38 would allow us to make provision for what steps an electoral registration officer should take if he or she suspected that the identifying information provided was false. That is important in enabling the system to tackle fraud. Although the intention is that no one will be removed from the register in that phase for failing to provide identifiers or providing inaccurate identifiers, we will take powers to set out in regulations the steps that electoral registration officers must take in the event of false or inaccurate identifier information being provided.

The first set of regulations made under those powers will be subject to the affirmative resolution procedure, as will any subsequent regulations that amend the preceding clause, which sets out the obligation for electoral registration officers to collect personal identifiers on a voluntary basis. Subsequent regulations that do not amend the provision relating to the voluntary collection of identifiers and seek only to make supplementary provisions will be made under the negative resolution procedure. That is because we consider that such regulations will be technical—for instance, adjustments to forms, as we establish what works—and less likely to warrant a full parliamentary debate. Hon. Members will be aware that much legislation relating to registration is already made by order under the current system.

The Electoral Commission must be consulted before regulations can be made using those powers. In consulting the commission in respect of regulations that seek to change the personal identifiers, the Secretary of State must seek its view on whether any such amendments to the identifying information would have a negative impact on under-represented groups.

The new clause introduced by Lords amendment 39 would require the Electoral Commission to keep the voluntary phase under review and would provide for annual progress reports to be published by the Electoral Commission. It would also require the commission's report in 2014 to include a recommendation on whether the evidence supported a shift to the compulsory phase of individual registration. The reports must assess the progress of the voluntary phase against the tests set out in subsections (3) and (4) of the new clause introduced by Lords amendment 39. Which tests have to be applied will depend on the year in which the report is submitted.

Under subsection (3) of the new clause introduced by Lords amendment 39, each report, irrespective of when it is submitted, will contain an assessment of the adequacy of the registration system in meeting the registration objectives and an assessment of whether any changes are needed ahead of a shift to individual registration. That is essential if we are to build up a clear evidence base on the health of the registration system and its readiness to be subjected to such a significant change. In addition, it is important that those who represent hard-to-reach groups are given an adequate opportunity to contribute to the consideration relating to the move to individual registration. We would therefore expect the Electoral Commission to engage with such groups and organisations from the outset in considering the comprehensiveness and accuracy of the register and in making its recommendations.

In 2014, the commission's report will be different. In addition to the assessment that I have outlined, that report must contain an assessment as to whether making the provision of identifiers compulsory would help or hinder the achievement of the registration objectives and a recommendation as to whether the collection of identifying information should be made obligatory. It may help the House if I briefly clarify what the registration objectives are, as set out in subsections (8)(a) to (c) of the new clause introduced by Lords amendment 38:

"that persons who are entitled to be registered...are registered...that persons...not entitled to be registered...are not registered...and...that none of the information relating to a registered person...is false."

Those objectives mirror the definitions already used to provide for individual registration in Northern Ireland and are designed to ensure that the register is both comprehensive and accurate.

The Electoral Commission's report in 2014 will be laid before Parliament. If the report features a recommendation in favour of a move to the compulsory phase and if that recommendation is approved by a resolution of both Houses, the Secretary of State will be obliged to make an order commencing provisions that bring the compulsory phase into effect. That ensures,

rightly, that Parliament is at the heart of that fundamental shift and that it cannot happen without Parliament's say-so.

In the event that the shift to the obligatory provision of identifiers is not recommended by the commission, or that Parliament does not approve a positive recommendation, the Secretary of State must, within a year of a negative report or within a year of Parliament rejecting a positive report, make a request that the Electoral Commission produce another report. That report would have to be delivered on a specified date at least one year and not more than two years after that request was made. Again, the report must make a recommendation, and the same process as that described above will apply to that recommendation. That time scale should enable further steps to be taken, if necessary, to prepare the system for the change.

The new clauses introduced by Lords amendments 40 and 41 provide for the obligatory provision of personal identifiers, in the event that Parliament approves a positive recommendation by the Electoral Commission. Lords amendment 40 applies the 2002 Northern Ireland model to the rest of the United Kingdom with a number of amendments. The purpose of the amendments is to enable a flexible approach to implementation, which will be appropriately tailored to the circumstances of Great Britain. For example, they will make it possible to insist on electoral registration officers using a prescribed canvass form in Great Britain, which will give added flexibility. They will amend the legislation so that the three-month residency requirement in Northern Ireland—which dates back 60 years to the Government of Ireland Act 1949—does not apply to the rest of the UK, where it is clearly not relevant. They will also provide for the Secretary of State to prescribe in regulations alternative evidence to be provided by those who do not have a national insurance number. Again, that will provide flexibility.

The new clause introduced by Lords amendment 41 contains broad order-making powers to allow for the transition to the obligatory collection of identifiers and for the Secretary of State to change the identifiers to be provided in the compulsory phase. It also contains, at subsection (1), transitional provision for those already on the register in the autumn of 2015. From autumn 2015, it is proposed that all new registrations—people moving house and re-registering, or anyone entirely new to the register—would have to provide the identifiers to be put on to the register. However, subsection (1) allows that anyone already on the register in the autumn of 2015 may remain on the register—subject to their meeting the existing conditions for confirming their registration to the electoral registration officer—without providing their identifiers in the 2015 or 2016 canvass. From the autumn canvass, such individuals will have to provide their identifiers in order to remain on the register. From that point, therefore, identifiers would be in place for all entries on the register.

The remaining amendments are mostly minor technical amendments that clarify the definitions used in the clauses and extend individual registration from Northern Ireland, where it is already in place, to the whole of the United Kingdom.

The process set out in the amendments is very significant, and one that we must get right. The carefully phased timetable, spanning at least seven years, is designed to support the system and the public through the period of transition, and to prepare them as fully as possible for this radical and historic shift. If we do not get the process right, and the comprehensiveness of the register is compromised as a result, the consequences for our democracy will be serious. I know that there are those who argue that we should be moving more quickly. The hon. Member for Epping Forest (Mrs. Laing) has argued that consistently, and I want to spell out to her again why it is so important not to rush this process.

We know that the introduction of individual registration in Northern Ireland in 2002 led to a fall in numbers on the register. We must all learn the lessons of that experience. Under individual registration, many individuals will be responsible for their own registration for the first time, and, as I have said, that will pose considerable challenges. I want to quote briefly from the Electoral Commission report on the shift to individual registration in Northern Ireland. It stated:

> "The new registration process disproportionately impacted on young people and students, people with learning disabilities, people with disabilities generally and those living in areas of high social deprivation."

We simply must not repeat that outcome when the system is introduced in Great Britain. That is why we are proposing, alongside the phased implementation of individual registration, to take a range of steps to bolster the accuracy and comprehensiveness of the register, and our understanding of registration across Great Britain.

Before I come on to those steps, I shall outline the additional practical reasons why I am fundamentally opposed to making the shift before 2015. First, the implementation of full individual registration in 2015 would minimise as far as possible the risk of implementation directly ahead of a national or sub-national poll. A dip in the numbers registered—we run the risk of such a dip occurring—ahead of any such poll would have damaging consequences for the legitimacy of our electoral processes. Individual registration was able to be implemented swiftly in Northern Ireland not least because there was only one authority there to co-ordinate for electoral purposes. In Great Britain, there are more than 400 different registration officers, each with their own processes and registers, and co-ordination on such a scale will inevitably take time.

The move to individual registration will involve a very significant change in infrastructure and processes, including new IT systems and data sharing on a national scale. We cannot rush such implementation. The current timetable will, we believe, give us time to test what works before moving to full implementation on the basis of the best possible evidence that we can secure.

Taken together in the round and given the real risk of a drop in registration rates, we need actively to move to bolster registration rates as far as possible in advance of implementation. To that end, we intend to pilot data-matching schemes with public authorities to enhance the accuracy and completeness of the register; to enable enhanced data sharing in two-tier local authorities via secondary legislation; to make it explicit in secondary legislation that the duty on electoral registration officers to register individuals applies all year round; and to consider whether more can be done to bolster the performance standards framework for EROs.

We will explore whether registration can be promoted at every point at which the individual interacts with public services. We have already started distributing leaflets and posters in citizens advice bureaux, making a training fact sheet available to CAB volunteers through their intranet system so they can better inform the public about registration. We are distributing posters throughout the network of courts across the country. We want to do more to provide people with opportunities to register to vote, and we are looking into the possibility of supplying rolling registration forms in post office branches to capture the details of eligible electors who, for whatever reason, are not on the register.

Those initiatives will inevitably take time to bed in and take effect and there may, of course, be other initiatives. We are actively exploring at the moment moves to bolster the current registration system, such as by introducing a duty to register and possibly making other changes to the current framework. The current timetable will allow us to explore all feasible options before making the shift to individual registration.

At the same time, the Electoral Commission will produce yearly reports on the health of the registration system and in 2012, crucially, we should have our clearest ever indication of registration rates, thanks to the data being collected as part of the national census. That is very important, as it will give us a crucial tool for assessing the robustness of the system.

Taken all in all, this is a massive programme of work. We are often criticised—all Governments have been criticised—for conducting major project in haste and then having to iron out the problems later, but we simply cannot afford to do that with something as important to our democracy as this historic shift. I hope that I have managed to persuade the House of the importance of the timetable. It is not a recipe for kicking the move into the long grass. What we are proposing is very clear and there is a clear end-date, subject to the tests being met—tests that I think the whole House will agree are necessary.

Before I conclude, I wish to deal with issues raised by my hon. Friend the Member for Vale of Clwyd (Chris Ruane), who is sadly no longer in his place. He raised an important point about the willingness of electoral registration officers to pursue the comprehensiveness and accuracy of the register with all due diligence. I recognise the importance of my hon. Friend's allegation. He, of course, will understand that I cannot comment on individual cases, but I want to stress that the overwhelming majority of EROs—and I believe that the whole House would agree on this—and the chief executives of local authorities are dedicated public servants. They would never do anything to compromise their impartiality or the integrity of the electoral registration system, which is the foundation of our democracy. That has certainly been my experience of all the EROs I have met at the conferences I have mentioned that took place over the last two years.

I repeat that I am aware of the allegations that my hon. Friend the Member for Vale of Clwyd and perhaps others have made, and those allegations are, of course, worrying. I have looked into the issues and it is clear, on reflection, that the system of governance for electoral registration officers could be made more robust—no matter, as I have said, that the overwhelming majority of such officers and the chief executives of local authorities are dedicated public servants.

It is clearly vital that the public should have complete confidence in the Government's arrangements for our electoral system and the safeguards that exist at both the local and national level. The Electoral Commission agrees. I hope that my hon. Friend will gain comfort from reading *Hansard* tomorrow, because I can tell him that Ministry of Justice officials have begun discussions with the Electoral Commission about how the safeguards can be enhanced. I will report to the House before the end of the year on how we propose to improve the system of governance, and I hope that that will reassure my hon. Friend and the House.

8.45 pm

I also hope that all Members recognise that the amendments will lead to a carefully and successfully managed transition to individual registration, ensuring that the public are well informed and the system is ready for the change. The Electoral Commission itself has said that the process of moving to individual registration must take place under careful scrutiny. It has said that this would be

> "a major change to the electoral registration system in Great Britain. There will need to be detailed planning and identification of key milestones to provide the basis for moving towards implementation of individual electoral registration over a number of years, including the delivery of public awareness campaigns during any transition to a new system."

I hope that all Members will agree that this historic shift will enrich our democracy. It will give people more responsibility for their votes, and will provide an electoral registration system that more accurately reflects their lives today. However, that must be done in a way that is mindful of the need to engage the public in the process, and protects the comprehensiveness of the register as well as its accuracy.

Mrs. Laing: Conservative Members do not disagree with the Government in any respect on Lords amendment 33. It is unfortunate that, owing to time constraints, the issue was not debated on Report in the other place, but we are able to explore some aspects of it this evening.

We have already raised the working of the Electoral Administration Act 2006, and I have sought reassurances from the Minister about the data protection arrangements relating to the position of the CORE keeper. We are pleased to note that unauthorised disclosure is now to be an offence, but what security support will the Government give the CORE keeper to avoid such a breach of the rules and the legislation?

I am sure that Ministers are well aware—as are we all—of some of the dreadful data losses that the Government have suffered. The larger government becomes, the more risk there is of data losses. The information that we are discussing is very sensitive, and we are anxious to ensure that there is no chance of data loss—or rather, given that accidents happen, that the chance of data loss is minimised as far as possible. That can be done if the Government provide the right safeguards at the outset.

Can the Minister give us any more information about the timetable for the establishment of the CORE keeper, and for the CORE scheme to be fully up and running? We appreciate the importance of the anti-fraud work that it will provide. We have already debated the cost of the scheme, and I have been told that the overall cost

[Mrs. Laing]

will probably be about £4 million. Perhaps the Minister will be able to bring the House up to date. However, we will not oppose Lords amendment 33.

Let me now deal with the really important amendments. Conservative Members are delighted that they are before us, even at this very, very late stage. We Conservatives have been calling for individual voter registration for four years and more. The Government have promised it on many occasions. This may be difficult to believe, but even on Third Reading of this Bill the Government were still only making promises and had proposed nothing substantial at all. We appreciate, however, that the full panoply of the amendments was brought forward in the House of Lords, and we are delighted to have them before our House now.

Mr. Wills: I accept that the hon. Lady has a long and honourable history of calling for individual voter registration, but I wonder whether she can recall that we always said that we were in favour of the principle of it but that there were implementation difficulties. She will correct me if I am wrong, but I do not recall any great clamour to improve the comprehensiveness of the register. I was aware of a lot of clamour for the measures for individual registration to be brought in, but I cannot remember her calling for the sort of measures we are now implementing to improve the comprehensiveness of the register. However, it is precisely the move towards individual registration in lock-step and coupled inextricably with measures to achieve the comprehensiveness of the register that we have now managed to secure that makes this historic move possible.

Mrs. Laing: I appreciate the points the Minister is making—and I am grateful to him for giving us Conservatives credit for having pushed for many years for these necessary amendments. He brings up the issue of the comprehensiveness of the register, but I have to say that I have never considered that anyone in this House, or anyone concerned in any way in promoting and safeguarding democracy, wishes anything other than to have a register that is as comprehensive as possible. How could anybody possibly argue that the register should be anything but comprehensive? Of course it is a sine qua non of a proper democratic system that the register should be comprehensive. If I have not argued for that feature, that is because I took it as a foregone conclusion that we all want the register to be comprehensive.

Mr. Wills: The hon. Lady raises a very important issue because that is precisely the point: she takes it for granted, but actually we cannot take it for granted, because there are already 3 million people not on the register and all the evidence is that unless we move forward very carefully further hundreds of thousands, if not millions, of people would fall off the register. The move to individual registration must be conditional on the comprehensiveness of the register. We must not move first to individual registration and then hope that somehow through good luck we will get a comprehensive register. That is precisely the point.

Mrs. Laing: But I agree with the Minister on that point, and I always have done. However, some Members on his Back Benches—sadly they are not there now, or, indeed, on any other party's Back Benches—have sought to suggest that Conservatives for some reason do not want a comprehensive register, but that is simply not true. I am very pleased to have the opportunity to put it on the record once and for all that we agree with the Government that the accuracy, comprehensiveness and integrity of the register and of the system is paramount. That is one of the reasons why we will not oppose the timetable the Minister has suggested this evening. I do not intend to vote against these Government amendments because I fully appreciate the Minister's argument. I always have appreciated it, and I believe that it is right to take this matter forward carefully and step by step. None of us wants to see a system introduced that would in any way undermine the integrity of our democratic system. I know that the Minister can get quite exercised on that point, usually when he is goaded by his Back Benchers, and I will reassure him—one more time—that I agree with him 100 per cent.

Mr. Christopher Chope (Christchurch): I am sorry to rain on my hon. Friend's parade, but does she accept that to delay this until 2015, which is effectively three general elections from now, does not show the sense of urgency that would be required, for example, by the Council of Europe's Monitoring Committee of one of the emerging new democracies?

Mrs. Laing: What a pleasure it is to have a Back Bencher intervene, and we all welcome my hon. Friend to his place. He makes an extremely good point. If a new system were being implemented for the first time in an emerging democracy, it would be surprising if the Government got away with saying, "Well, yes, but it will take us a good five years to implement this." My hon. Friend's point is well made, and it is one that I have made many times, as the Minister has just said. However, I balance that with the fact that the Electoral Commission, electoral registration officers and others who will be involved in the implementation of the Government's current plans are concerned that this should not be rushed, but taken step by step to ensure that the integrity of the system is protected—and not only protected, but seen to be protected, so that there is no perception of harm being done to the system.

Since the Minister and his colleagues started to take steps to implement the individual voter registration system for which we have been calling for many years, we have seen progress. What a pity it is that the Government had not started the process five years ago, because it would now have been implemented. I understand and share the Minister's concern for the comprehensiveness of the register, and that is one of the reasons why we have called for action on this matter for many years. It is a pity, as my hon. Friend will agree, that the Government had not commenced work on this project long ago. If they had done so, we would have a far better system in place for whenever the next general election may be.

I may also reassure my hon. Friend if I say that we are determined that if it appears that the practicalities to which the Minister has referred can be overcome on a shorter timetable than that currently set out, that should happen. Unfortunately, that would mean making changes in primary legislation, but I am sure that a future Government, of whatever colour, could—if it turns out to be possible—bring implementation forward sooner than the Minister currently envisages.

Mr. Wills: May I be clear about what the hon. Lady means? Is she saying that a future Government might take risks by bringing the system in just before a national or sub-national poll? Will she confirm whether that would be a consideration for her? Would it be a consideration for her that the register should be as comprehensive and accurate as possible? Would she want to take into account the results of the 2012 census, which will give us for the first time some kind of accurate indication of registration rates?

9 pm

Mrs. Laing: I can assure the Minister and the House that any future Conservative Government would never take risks with the democratic process. They would take absolutely no risks with the integrity or comprehensiveness of the register or with its accuracy. I take the Minister's point about the 2012 census. At that point, when we have the results of that census, the Electoral Commission can consider those results and weigh up the work that it and electoral registration officers will have been doing by then and it might well be possible to make judgments. I also agree with the Minister that it would be difficult to introduce a new system shortly before a general election. There should be other ways of testing the system along the way to ensure that the accuracy, integrity and comprehensiveness of the register and the system are always utterly watertight. I hope that that reassures the Minister on that point.

I was about to say that it is unfortunate that although these matters were properly considered in another place, this House has not had a chance to examine the Government's proposals. To be fair to the Minister, however, we discussed the principle of individual voter registration in Committee. As a result of the amendment tabled in my name and that of my right hon. and hon. Friends, we were able to examine that issue and ensure that the principles of individual voter registration were properly examined in this House. I see no dissent around me. We are all agreed that the current system is part of an antiquated electoral system that depended on the pater familias of each household determining who within that household should have a vote. That, along with many other aspects of our electoral system, is old-fashioned, outdated and no longer reflects the way in which Britain in the 21st century ought to be governed. We are very pleased that we are taking these matters forward this evening.

There have been many criticisms, to which my hon. Friend the Member for Christchurch (Mr. Chope) alluded, of the way in which matters are currently conducted within our electoral system. It is unfortunate that we find ourselves, at this stage in the development of our democracy, with such an old-fashioned system of registration. However, may I ask the Minister what steps he has taken with the Electoral Commission and electoral registration officers to ensure that in 2010, when they have to start this process, there will be no more delays?

The Minister clearly has milestones in mind. Will he undertake to report to the House on progress, so that we can tell whether the momentum that he has now built up and the enthusiasm that he has instilled in his fellow Ministers still exist and that matters are properly moving ahead? I am sure that he will be the first to say that there has been delay on this issue over the years. Now that we have got to this point of enthusiasm and unanimous support in Parliament, I hope that he will not be deterred in the work that he has begun, because the bureaucratic side of the implementation of such a system can sometimes hinder its progress. We are all agreed in principle, so let us ensure that the practicalities do not stop us.

I hope that the Minister will consider a few other issues when he considers registration generally. Service registration is uppermost in our minds. Will he undertake to look again at the disgraceful disfranchisement of servicemen and women who are in theatres of conflict over recent years? According to the latest figures, possibly only 65 per cent. of service personnel are registered. At a time when people are daily risking and losing their lives in the service of this country, it is simply not right that the Government's change to the rules on service registration has made it more difficult for people in the armed forces to register. Surely it should be made much easier for people in the armed forces to register.

I agree entirely with the Minister about people who are in vulnerable situations—he mentioned the low registration among people who have problems with literacy and among certain communities in our country—but does he agree that, whatever steps we as a Parliament take, people who are serving in the armed forces and their families should be helped to register, not deterred from registering?

The Government have agreed to increase by order the renewal period for registered service personnel to five years. Again, we have brought up that subject more than once over the past year or so. We strongly welcome the fact that the Government have indicated that they will take steps, but when will the Minister introduce that order? I can assure him and the House that, when he does introduce it, we will support it and help service personnel to register properly to vote.

I am pleased that the Minister proposes to make progress with voluntary registration in the first instance. Again, will he undertake to report to the House on how voluntary registration is working and, likewise, on the voluntary provision of personal identifiers?

All those elements are important in undertaking this difficult enterprise and in ensuring its success, as are the reports of the Electoral Commission. Will the Minister undertake to return to the House to allow it to discuss the Electoral Commission's reports, so that we might know how the enterprise is progressing and what more hon. Members on both sides of the House can do to make sure that this vital change in the very basis of our democratic system is introduced as soon, as accurately and as comprehensively as possible and to ensure the integrity of the system?

Normally, at this point, Government Back Benchers jump up to challenge the Opposition's bona fides. I find that I am trying to play both parts here, since no Government Back Bencher—*[Interruption.]* I beg the Minister's pardon; his Parliamentary Private Secretary is present. No other Government Back Bencher is present in the House. I would not like it to be thought that Conservative Members had done anything other than won the argument. If I were to be challenged on the point, I would say yet again that our top priority is the integrity of the system, and the accuracy and comprehensiveness of the register, and we will do all that we can to help the Government to introduce this vital new system, which we have supported for many years.

David Howarth: There are two sub-groups in this group of amendments. The first is about the CORE scheme and setting up a body to run that scheme, and the second is perhaps the politically more important problem of individual registration. I should say at the outset that in general terms I support what the Government are doing and have no intention of calling a Division on any of these matters. I am very pleased that the Government have made considerable progress on individual registration.

On the matter of who is to run the CORE scheme, I suppose that it might be thought a little awkward that, at a time when all political parties are saying that there are too many quangos, we propose to set up another one. However, I understand the motive for doing so. It is agreed in all parts of the House that the Electoral Commission needs to focus its activities and certainly should not be taking on new ones. My only concern, which I mentioned in an intervention on the Minister, is that the proposal simply sets up the mechanism for transferring the function to a new body, and it does so in general terms, so that the new body could be almost anything—a corporation sole or another public authority. All the good things that the Minister rightly mentioned about the need for security and independence are not provided by the proposal; they are simply his intention. I have a slight worry that yet again what we are putting in statute is simply a mechanism and, in future, some other Government might use that in a way that the current Minister does not intend. I cannot see many sinister uses to which the provision might be put, but I want to put it on the record that the way in which the matter is being dealt with is not ideal.

The point about the second, crucial matter of individual registration, which the hon. Member for Epping Forest (Mrs. Laing) made several times, is that if it is done properly it is not a threat to the comprehensiveness of the register. The Minister also made that point. It increases the integrity of the register and that of the elections themselves. The validity and credibility of democratic elections depend both on the register being comprehensive and on its having a great deal of integrity. If the register is not comprehensive, it is not the electorate who are making a choice but some subset of the electorate. If it is not secure and we cannot be sure that the people whose votes are being counted are electors, that people are not voting more than once or that there is not fraud going on, equally there is a threat to democratic credibility. We need both comprehensiveness and security, and I am pleased that the Minister intends the approach that he has chosen to produce both.

I am delighted that the Government have moved such a long way from their starting point, which can be characterised as them saying, "Well, there are risks in doing this, so we shouldn't do it." There are always risks, but the point is to minimise them and move forward in a way that should produce a good result all round.

9.15 pm

I have two further points to make. On the first, I am sorry that the hon. Member for Vale of Clwyd (Chris Ruane) is not here, because he made some serious allegations, at the start of the day, about an unnamed Liberal Democrat council leader. It could have been any one of three people; he did not specify who it was. The hon. Gentleman said that that person somehow took the view, on behalf of my party, that it would be in our interest if the register were not comprehensive. A short reflection on the situation in my constituency should have made the hon. Gentleman realise that that could not possibly be so. The Minister listed the groups of people who, in an exercise of individual registration, are at risk of being removed from the register wrongly, or of not getting on to the register in time, and at the top of that list are students and young people. If Members think about the interests of my party, it will not take them long to realise that a change in the system that removed from the register large numbers of students and young people would not necessarily be to our advantage.

Mrs. Laing: It would if those young people were Conservative or Labour voters.

David Howarth: All that I can say to the hon. Lady is that that is not our experience. The fundamental point—the point of fairness—is very clear. There needs to be a process of voluntary identifiers. It should be tested, and any distorting effects should be corrected. After that, the system should be made compulsory. That is what the Government are proposing. The only disagreement is about the time scale, and how long the process should take. I accept what the Minister says—that there are various important milestones, that we should not rush the process and that we should not take any risks—but as I understand it, in the House of Lords, the proposal was not that the timetable should definitely be shorter. It was simply that, if the Electoral Commission were of the opinion that the move to compulsory registration could take place earlier than 2014-15 without the risks that the Minister mentioned coming into play, there should be a power to allow that to happen.

I do not think that anybody was suggesting that the timetable be artificially shortened, or that any risk be taken with the comprehensiveness of the register. All that was suggested was that there be a careful process by which the timetable could be shortened if that turned out to be a safe thing to do. One can imagine circumstances in which that would be the case. A system using the three identifiers that have been suggested—the signature, the national insurance number and the date of birth—might turn out to work well, and there might be no need to use any other identifiers. The problem of the reduction in numbers on the electoral register might turn out to be manageable in a shorter period, with the result that there was no need for any further experiment. At that point, one can imagine the Electoral Commission saying, "This is all working very well. We can take a year or 18 months off the timetable." That was all that was being proposed; nothing of the risky nature that the Minister suggested was put forward. When the move to compulsory registration is made, either through the Government's present scheme or through the scheme as it emerges under a future Government, I do not think that we will be in any danger of taking excessive risks.

I have only one other point to make, and it could be made on a whole range of Lords amendments before us. I am slightly worried about the breadth of the order-making power in Lords amendment 38. That order-making

power allows the Government to vary the kinds of identifier that might be required—or asked for, in the voluntary part of the process.

The Minister said that there might be technological changes that bring in other opportunities. I am worried that those technological changes include ID cards. One of the problems with the ID card scheme is that Ministers say, "We have no intention of bringing it in compulsorily," but it turns out that their version of "voluntary" includes such things as getting a passport, as if the right to travel abroad were simply a matter of discretion or, as the proposal appears to allow, voting. I seek an assurance from the Minister that the Government do not see requiring the use of an ID card as part of a voluntary identifier scheme.

With that caveat and with some disagreement with the Government on the absoluteness of their attachment to the 2014-15 timetable, I am content with the amendments proposed by the House of Lords.

Mr. Chope: I shall say a few words about the timetable relating to individual voter registration. I have taken an interest in the subject over the years, and have had conversations with the Electoral Commission. We all know that the Electoral Commission was extremely frustrated by the way in which the Government seemed to be blocking its suggestions that moves were needed towards individual voter registration.

To put the matter in context, at the end of last month I was a monitor on behalf of the Council of Europe at the general election in Albania. One of the polling stations that I visited was in quite a large town—not Tirana, but probably the second or third largest town in Albania. While my colleague and I were making it clear that we were monitoring the voting process, a woman came up to us. She was hysterical—that is an accurate way to describe it—because she said that her son, who had died three or four years previously, had been put back on the register by the Government.

That is the allegation that the woman made. For her, that was part of a conspiracy. She thought that it was the means by which the Government were putting people on the register and, knowing that they would not be able to vote, using their nominees to vote for them. This is a serious matter. That little cameo illustrates how seriously it is taken in an emerging democracy. In the course of monitoring that election, I said to some of our Albanians, I hope not too condescendingly, "Well, you are only a relatively young democracy." The response I got was, "No, we are a very old democracy. We've been going at it for over 18 years."

Given that the Electoral Commission had been requesting the move to individual voter registration for some time, and the fact that we have had experience of what can be achieved in Northern Ireland, I am not satisfied that we need to wait for two more general elections before we can implement the measure. That seems to be the effect of what the Minister is suggesting. I accept that it is too late to introduce individual voter registration for the next general election, which I hope will be even sooner than the Government fear it will be. However, I do not give up hope that we might be able to introduce individual voter registration in the general election after next.

I hope that when my hon. Friend the Member for Epping Forest (Mrs. Laing) is the Minister charged with that, she will take it on her shoulders to ensure that, as an incoming Government, we accept that where there's a will, there's a way, and that there is a strong will on the part of the British people and among most Members of the House of Commons to have a better system. That system will incorporate the principles embodied in individual voter registration. We may want to wait until the 2011 census, but is that absolutely essential?

Individual voter registration could be linked to the issue of individual voter apathy. My 19-year-old daughter is now on the electoral register, but she did not put her name on it; I did. If the question of whether she wanted to place her name on the electoral register had been put to her, it would have raised her awareness and the issue of responsibility. We in this House often bemoan the low participation rate of relatively young voters in our electoral process, but that may be because we are too patronising. We say, "There's no need for you to register yourself, sonny; we'll deal with that." Then, we present them with the fait accompli close to the election and ask, "Are you going to go out and vote?"

Contrary to some of the concerns that Government Front-Benchers have expressed, I think that there could be a significant positive to the process. We would be promoting individual responsibility among young adults, so that they were more aware of the issues involved in participating in elections and in our democracy.

I hope that nothing my hon. Friend the Member for Epping Forest has said today from the Opposition Front Bench will preclude an active campaign by an incoming Conservative Government to try to accelerate the process so that we can have individual voter registration at the general election after next.

Mr. Wills: We have had an extremely interesting exchange of views, and I am grateful for all contributions to the debate.

I shall briefly address some of the concerns that have been raised. The hon. Member for Epping Forest (Mrs. Laing) rightly raised the importance of data protection and data security in the CORE project, and, on that, I absolutely agree, which is why the Information Commissioner will be consulted on it. The hon. Lady asked about the timetable, and we are actively looking at that. Indeed, we need to ensure that it is the most appropriate way forward. It is an opportunity to ensure that we are ready when the time comes, but we are looking at it.

The hon. Lady mentioned the cost of the CORE system. To date, the figure is £3.7 million, and the great bulk of that money has been spent on grants to local authorities to standardise the format in which data are collected and stored. That work is important and it makes the data much easier to use generally, so, whatever happens to the CORE project, we believe that it will have been money well spent on improving the electoral system.

I was grateful for what the hon. Lady said about the timetable for the move to individual registration. She asked us to come back to the House regularly to report on its progress, and I am happy to give her that reassurance. That is precisely why we have asked the Electoral Commission to produce annual reports. It is important that the whole process be scrutinised, and every Member will have important personal and constituency experience to contribute to the process. In the past and today, the

[Mr. Wills]

hon. Member for Cambridge (David Howarth) has given us his experience from his rather special constituency, but every constituency is special and there will be lessons that every Member can teach us as we move forward. This Government certainly want to learn those lessons. We welcome the scrutiny and transparency that the hon. Member for Epping Forest advocates, and we intend to have that. I am grateful to her for supporting the process.

The hon. Lady raised also the important question of service registration, and I agree with everything that she said about that. She will recall that we discussed the issue in Committee. As she mentioned, we have already agreed to raise from three to five years the service declaration period for members of the armed forces. We will introduce that as soon as possible, and we recognise its importance. Ministry of Justice officials will meet Ministry of Defence and Electoral Commission officials to review the information campaigns that have run since 2005. They have seen significant improvements in registration, but not enough, and I share her concerns about the matter. We need to do everything that we can, and we will continue to do so. I remind the hon. Lady that in Committee I said that hon. Members on both sides of the House who had significant garrisons in their constituencies could come to see me with their own suggestions. So far, not a single one has taken advantage of that opportunity. I repeat the invitation, and I am sure that she will do her best to publicise it. We want to get the issue right, and we will do everything that we can to do that.

9.30 pm

The hon. Member for Cambridge raised a point about there being another quango, and I understand what he said. As I have already said, I hope that he will be reassured by the fact that the measure will be subject to the affirmative resolution procedure and that both the Information Commissioner and the Electoral Commission will have to be consulted.

Unfortunately, my hon. Friend the Member for Vale of Clwyd (Chris Ruane) is not here; the hon. Member for Cambridge made some comments about him. In my hon. Friend's defence, I should say that he is concerned about the robustness of the governance system. He was using an example; we could find others if we trawled through our own experiences. His main concern, I think, was one of principle about the system of governance. As I said, we are considering that issue, notwithstanding the fact that the great majority of electoral registration officers in local authorities run by all parties behave with complete propriety and are jealous guardians of the integrity of the system.

The hon. Gentleman raised again the worry about the power to change the identifier. I can only say to him again that we intend to use dates of birth, signatures and national insurance numbers, which cover the great majority of the eligible population. However, it would be unwise and imprudent of us not to allow some flexibility in the system. Who knows what the future may hold?

The hon. Member for Christchurch (Mr. Chope) made an interesting contribution in diverting our attention to his recent experiences in Albania. I am glad that he has been present for at least part of the extended progress of the Bill and I am grateful for his contribution. I suggest that he takes some reading with him the next time he goes overseas. He might be interested in the Electoral Commission's reports on recent elections in this country; the most recent was produced with the Association of Chief Police Officers. I think that he will be reassured by the commentary on the incidence of fraud in this country; the report says that it is declining. I strongly recommend that report to the hon. Gentleman. He is obviously agitated about the issue, and when he next goes to Albania or anywhere else he can comfort himself by reading it.

More generally, I am concerned that the hon. Gentleman obviously did not listen to what I was saying about the risks of a precipitate rush to individual registration. Furthermore, he did not seem to listen to his party's Front Benchers on that issue. I hope that he will read *Hansard* tomorrow and see that we are moving as rapidly as we can towards that desirable objective, in a way commensurate with the twin objectives that are immutable in the eyes of Front Benchers of both Opposition parties. They are that the register must be as comprehensive and as accurate as possible. We must achieve those twin ideals.

Mr. Chope: In that case, will the Minister accept the suggestion made by the hon. Member for Cambridge, who said that the best impartial judge of whether those criteria had been satisfied was the Electoral Commission itself?

Mr. Wills: Exactly; that is precisely what the legislation prescribes. The Electoral Commission will make the recommendation, and Parliament in the end will decide. That is right and proper, and consistent with our system of representative democracy. The decision on whether the register is as comprehensive and accurate as possible will indeed be made by the Electoral Commission. I hope that I have done enough to persuade the House to accept the amendments.

Lords amendment 33 agreed to, with Commons privilege waived.

Lords amendments 34 to 47, 50, 96 to 98, 105 and 106 agreed to.

Clause 3

CIVIL SANCTIONS

Mr. Wills: I beg to move, That this House agrees with Lords amendment 1.

Madam Deputy Speaker (Sylvia Heal): With this it will be convenient to discuss Lords amendments 2 to 8, 51 to 65 and 99.

Mr. Wills: The Government tabled several amendments to the Bill's provisions on the Electoral Commission's powers and governance at various stages in the other place. These amendments all respond to concerns raised in this House, in the other place, or by the Electoral Commission. I will briefly outline the effect of each amendment.

Lords amendment 1 follows a report by the House of Lords Delegated Powers and Regulatory Reform Committee, which suggested that the clause be amended to ensure that an order made under paragraph 16 of schedule 19C, which prescribes the amount of a fixed monetary penalty, will be subject to the affirmative resolution procedure. The Government were happy to

agree to that. The amendment adds a reference to paragraph 1(5) of schedule 19C—the paragraph that relates to the definition of fixed monetary penalties—to the list of paragraphs at clause 3(4), which is the list of parts that will be subject to affirmative resolution. The consequence of the amendment will be that any order that sets or alters the level of fixed monetary penalties will be subject to affirmative resolution in both Houses.

Lords amendment 2 requires the leaders of the three largest qualifying parties in Westminster to nominate three candidates each for consideration as nominated commissioner.

Pete Wishart: The Minister knows that I have an interest in this issue. Is there any reason whatsoever why the three main parties exclusively will have the opportunity to nominate three commissioners, and yet the minority parties—the parties of government of all the other legislatures throughout the United Kingdom—will have the opportunity to nominate only one? Is it not the case that the House of Lords, like this place, has looked at these issues solely through the Westminster prism and forgotten about the new multi-legislature UK in which we now live?

Mr. Wills: I congratulate the hon. Gentleman on his indefatigable persistence in raising this point—that is a great tribute to his party. As he well remembers, we have been round this course several times already, and I do not want to tire the patience of the House by repeating it. We have not forgotten the measures of devolution that we are proud to have introduced, but that is precisely what they are—measures of devolution. This remains the UK Parliament, and we have discussed this at great length already.

We developed the amendment in discussion with the Electoral Commission. It introduces a degree of competition into the process for appointing nominated commissioners by ensuring that there is a pool of candidates from which the Speaker's Committee can select four candidates on merit, one from each of the three largest nominating parties, as well as from a smaller party.

Pete Wishart: One from a smaller party.

Mr. Wills: Yes, precisely because they are smaller.

Lords amendments 3 and 4 are consequential amendments.

Lords amendments 5 and 6 enable the commission's chief executive to increase the one-year restriction on previous political activity for commission staff in clause 7 to a period of between two and five years by designating individual posts in the commission that will be subject to an expanded restriction. The chief executive may designate a post in this way if he or she reasonably believes that such a restriction is necessary to maintain public confidence in the effectiveness of the commission in carrying out its functions. The length of the restriction must be determined by reference to the seniority of the post and the political sensitivity of the matters with which the postholder is likely to have to deal. The amendments are necessary to ensure that the small number of posts for which a one-year restriction may not be suitable owing to their seniority or the likelihood of dealing with politically sensitive matters can be designated as subject to a longer restriction. The amendments also place a requirement on the chief executive to consult the Speaker's Committee on the Electoral Commission on the posts that he intends to designate, which will help to ensure that designations are justified and not unduly restrictive.

Lords amendment 7 excludes all commission staff dealing with electoral boundary work from the reduced one-year restriction in clause 7, as it is envisaged that they will eventually transfer to the independent boundary committee established in the Local Democracy, Economic Development and Construction Bill. It is envisaged that under that Bill, a 10-year restriction will be retained along the lines of the one that is currently in place in the Political Parties, Elections and Referendums Act 2000. The amendment will ensure that the level of political restriction on the appointment of boundary staff remains consistent in the intervening period between the commencement of clause 7 and the creation of the new boundary committee.

Lords amendment 8 restricts the Electoral Commission's public awareness role in section 13 of the 2000 Act to educating people about current electoral systems in the United Kingdom. It does so by removing existing obligations placed upon the commission to provide information about current and pending systems of government in the UK and about EU institutions. It takes forward the substance of another amendment along the same lines in the other place that was widely supported.

In practice, the commission's function will be, as it is now, to provide information on the mechanics of the electoral process, including electoral registration procedures—those are important in the light of our preceding discussion—how to vote and any changes to the electoral system and connected matters. Lords amendment 99 makes consequential amendments to section 13 of the Act that are required as a result.

Lords amendments 51 and 52 provide for a five-year time limit on the commission's ability to issue a disclosure notice requesting information or documents from former treasurers or other party officials for its supervisory purposes. That is necessary to ensure that an unduly onerous burden is not placed on former treasurers or officers of parties to retain information relating to income and expenditure indefinitely. I hope that the hon. Member for Huntingdon (Mr. Djanogly) will welcome that. I recall that he raised the matter in Committee.

Lords amendment 53 narrows the commission's powers of entry under the Bill by removing the Bill's original extension of the powers to those categories formerly supervised by the commission—in other words, any entity that would have fallen within paragraph 2(1)(a) to (d) of schedule 19B to the 2000 Act. That is necessary to support our intention that the Bill will extend the commission's powers so that it is a more effective regulator, but it will not do so unduly, particularly on the delicate issue of entry powers.

Lords amendment 54 takes forward the substance of another amendment in the other place by requiring a magistrate to issue a warrant to the commission to enter premises to inspect documents. In addition, it ensures that the amendments will be workable in practice by setting out the criteria that a magistrate will have to be satisfied of before issuing a warrant. The effect is that the commission will not be able to enter the premises of those to whom the power applies without an inspection warrant. Importantly, the amendment makes it clear that entry may take place only for non-investigatory

[Mr. Wills]

purposes and for the purpose of inspecting documents relating to income and expenditure. Lords amendments 55, 61, 62, and 64 are consequential.

Lords amendment 56 will require the commission's applications for court orders, to enforce earlier notices requiring documents, to be approved by the High Court, or the Court of Session in Scotland. That is in recognition of concerns about vesting such a power in a magistrates court, not least given the potential sensitivity of such applications.

Finally, Lords amendment 60 extends the court order powers that enable the commission to enforce its requests for documents, so that they may be used also to compel information or an explanation if an earlier notice under paragraph 3(2) of schedule 19B to the 2000 Act requesting one of those things has not been complied with. That is necessary to ensure that the commission has full, effective investigatory capacity. Lords amendments 57 to 59, 63 and 65 are consequential.

Mrs. Laing: The Minister will be delighted to know that I do not intend to oppose any of these amendments. He has made a good case for the Government's changing their mind yet again on how the electoral commissioners with political experience should be appointed or elected. It is extraordinary that we started with one position in the Bill, then the Government tabled an amendment to which we agreed, and then suddenly last week in the House of Lords the Government tabled another amendment and the Bill was amended again. In the interests of openness, democracy and time, I will agree with the Minister.

Mr. Wills: Perhaps the hon. Lady will recast her formulation that we have changed our mind. She knows that we have approached everything in the Bill with an open mind and that we are flexible and ever eager for consensus on it.

9.45 pm

Mrs. Laing: I agree that the Minister has attempted to achieve consensus. I thought that we had achieved it on the matter until, suddenly, he wanted to achieve a different consensus at the 11th hour in the House of Lords. However, in the spirit of consensus and out of respect for the Electoral Commission, which, for good reasons, set out a new position on the matter, I completely support what he says.

Again, I take the point that the hon. Member for Perth and North Perthshire (Pete Wishart) made so eloquently. I understand his position and have some sympathy with it, but I am afraid that I agree with the Minister's comments, which I will not reiterate because of time.

I want to consider Lords amendment 54, which, as the Minister said, my hon. Friend the Member for Huntingdon (Mr. Djanogly) covered in Committee and in other proceedings. Before the Bill was amended in Committee and on Report, the amendment would have extended the Electoral Commission's powers of entry under the Political Parties, Elections and Referendums Act 2000 to other bodies and individuals such as donors and, indeed, Members of Parliament. That would not be right, so we fully support the amendments that the Minister has introduced because they mean that due process will be followed and that consent has to be obtained from a magistrate before the Electoral Commission can enter and inspect premises. The Electoral Commission has acted perfectly reasonably since it has had such powers under the 2000 Act. There is no reason to think that it would do anything other than that in future, but the amendments, with which we all agree, mean that it and the system will be better protected in future.

In the spirit of consensus, with which we are concluding our consideration, I do not wish to take up the House's time on the other points that the Minister made, all of which are now non-contentious.

David Howarth: None of the matters that we are considering is now enormously contentious, but I want to make one or two comments, especially about clause 5 and Lords amendment 54.

The hon. Member for Epping Forest (Mrs. Laing) is right that we have gone back and forth on clause 5 about political commissioners. It is a difficult and delicate subject, because introducing an expressly political element into the Electoral Commission will always be difficult when its tradition has been non-political and deliberately distanced from politics, for obvious reasons. However, we all agree that the commission could do with a more experienced, perhaps more down-to-earth element in its membership. That requires overcoming some difficulty in appointing the political commissioners.

I remain slightly nervous of the party leader route for appointing political commissioners. It is obviously better for party leaders to propose three nominees rather than one because that means that we are not dealing with direct patronage, with which I have some difficulty. I am still unclear about exactly how the process will work from there. What will the precise procedure be for deciding which of the three is to be appointed? I would prefer a much more open procedure, similar to that for other public appointments, whereby something like open competition is introduced. In an ideal world, I would prefer more open competition for the posts. That is my first worry. Why have the Government rejected a rather more normal process of appointment in such cases?

The second point is the one that the hon. Member for Perth and North Perthshire (Pete Wishart) is quite right to raise over and over. We now live in a multi-legislature, multi-political system polity—we have the Scottish Parliament, the Welsh Assembly, the Northern Ireland Assembly and the London assembly. Our political system is far more complex than it was 20 years ago. It seems odd, to say no more than that, that the ruling party in a very important part of this country—Scotland—will not be represented on the commission.

I made the following point in Committee and I repeat it now—indeed, this fundamental problem would have been dealt with by a perfectly sensible amendment that the hon. Gentleman tabled on Report, but it was not voted on, even though other amendments that were not debated were voted on. Why should we not transfer responsibility for Scottish elections to Scotland? Should that not be part of the devolution settlement? Why is a UK body responsible for specifically Scottish elections? I do not understand why that should be the case, and I urge the Government to think about it further.

On Lords amendment 54 and the warrant procedure, I can see what the Government are doing and what Members of the House of Lords were doing, but I am a

bit confused about how the system will work in practice. In particular, it is a condition of obtaining a warrant that

"permission to inspect...has been requested by the Commission and has been unreasonably refused"

by the person against whom the inspection request was made. However, how is it to be decided whether the refusal was unreasonable? The application appears to be for a warrant, which is issued ex parte, with only one of the parties present. Warrants are granted by magistrates in living rooms. My wife is a magistrate and she has granted warrants in our living room. Granting a warrant is not a formal court procedure, with both parties present. Without both parties present, how is it to be fairly decided that the refusal was unreasonable? I fear that the provisions have not been fully thought through. Nevertheless, I accept the need for safeguards—indeed, safeguards in this area are important—and I welcome all the other amendments.

Pete Wishart: It will not surprise the Minister that I wish to return to the question of political commissioners, although I can assure him that this will be the last time that he and I debate it across the Chamber.

The Minister's answer to my intervention was totally inadequate. It is just not good enough to say that because we are a smaller party in this House we should not get a proper look-in when it comes to the arrangements for the Electoral Commission. The commission has responsibilities and obligations not just to this House, but to every devolved legislature across the United Kingdom, as the hon. Member for Cambridge (David Howarth) noted. We are in great danger of allowing the Electoral Commission to become the plaything of this House. However, it must properly reflect the new United Kingdom, with all its devolved institutions, and the reality of the Scottish Parliament and the Welsh and Northern Ireland Assemblies.

My question for the Minister, which I hope he will spend some time answering—that is, if he is prepared to listen to it—is this: why is it right that the three main London-based parties have the opportunity to nominate three commissioners and the smaller parties, as he calls them, have the opportunity to nominate only one? He may refer to the smaller parties in this place, but let me remind him that we are the Government in Scotland, in one of the major legislatures in the United Kingdom. The Democratic Unionist party has a share in a coalition in Northern Ireland and Plaid Cymru, our colleagues on these Benches, has a share in power in a coalition in Wales. We are the Governments of the rest of the United Kingdom.

Mrs. Laing: I am grateful to the hon. Gentleman for giving way, because he knows what I am going to say. Even though this is not the position of his party, on whose behalf he speaks so eloquently, does he accept that this is the Parliament of the United Kingdom, which still exists for the rest of us?

Pete Wishart: It is with a due degree of anticipation that I listened to that contribution, and I am not disappointed or surprised by the hon. Lady's comments. Of course this is the United Kingdom Parliament, but all I am saying—and I hope that she will accept this—is that the Electoral Commission has obligations and responsibilities beyond this House. It is unfortunate that the House of Lords refused to recognise that, just as this House has done. Once again, they are viewing these matters exclusively through a Westminster and House of Commons prism, and after all these debates we have moved no further forward.

I do not know how the role of the fourth commissioner, who is to be allocated to the minority parties, is to be determined. I still believe that they will have to be allocated to the Democratic Unionist party, as the largest minority party. That would be right and proper. Certainly, if the Scottish National party were the largest minority party and we did not secure that commissioner, I would be very disappointed. The commissioner will have to go to the largest party; there is no other basis on which that matter can be determined. That is not good enough, however.

We have failed to come to terms with the new reality of the UK. It is disappointing to see from these amendments that the House of Lords has not recognised the reality of a multi-legislature, multi-party UK. I hope that the Minister will spend a couple of minutes considering these questions, and that he will try somehow to reassure me that the new Electoral Commission, through the electoral commissioners, will be able to deal adequately with these issues and to look out for the whole of the UK and not just this House.

Mr. Wills: I will try to answer the questions relatively briefly, although, given the non-contentious nature of the issues, we have had quite a lively exchange.

The hon. Member for Cambridge (David Howarth) asked why the party leaders were still involved. If I may, I shall deal with the questions raised by the hon. Member for Perth and North Perthshire (Pete Wishart) as well. The whole point of people with electoral experience going on to the Electoral Commission is that they should bring with them not partisan affiliations or party political considerations but their experience of the political process. There has to be a selection process, and the party leaders are clearly the best placed to have an overview about who the most appropriate people in their parties will be. That should then be subject to an open competition. That seems to strike the right balance.

I say to the hon. Member for Perth and North Perthshire that we can debate the role of the United Kingdom Parliament, and I again pay tribute to his persistence in trying to squash every issue through the prism of nationalist politics. Not everything should be seen in that way. There is still a position for the UK Parliament in the constitutional arrangements of this country, and that remains paramount, however much he would like to see it changed. This is the last exchange that he and I will have on this subject—on this particular Bill, anyway—and I would like to reassure him that, in the end, whoever emerges on to the Electoral Commission to fulfil the new roles of political commissioners will be expected to put aside partisan considerations. They will bring to bear their experience of the democratic political process in this country, and it will not matter whether they come from the Conservative party, the Liberal Democrat party, the Labour party, or, indeed, one of the smaller parties, if the hon. Gentleman will forgive my using that term. They will all be expected to put aside their partisan considerations and to bring their

[Mr. Wills]

experience to bear. I hope that, with all that, I have given hon. Members enough to persuade them to agree to the amendments.

Lords amendment 1 agreed to.

Lords amendments 2 to 8, 51 to 65 and 99 agreed to.

Clause 8

DECLARATION AS TO SOURCE OF DONATION

Motion made, and Question proposed, That this House agrees with Lords amendment 9.—*(Mr. Wills.)*

Mr. Speaker: With this, it will be convenient to discuss Lords amendments 10, 13, 28 and 66 to 68.

Mr. Djanogly: Clause 8 creates a new responsibility for donors to political parties to clarify the source of donations. Following the Government's recent amendments made in the other place, donors giving more than £7,500 will be required to make a declaration of whether another person is providing them with any money or other benefit worth more than £7,500. The impact of the measure will still be widespread and costly—even if not quite so much as before—in terms of time and money for parties at local level, which is where such burdens are most heavily felt.

Political parties need sufficient funds to fulfil their democratic functions. However, there is a paradox at the heart of party politics in the United Kingdom: although there is recognition that political parties are key in mobilising local political activity and are a central vehicle in implementing civic engagement, the membership of political parties, the turnout at elections and the trust and confidence in politicians are at an all-time low. That has major implications for the financial management of political parties. Modern centralised campaigns have resulted in escalating—

10 pm

Debate interrupted (Programme Order, this day).

The Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83F), That this House agrees with Lords amendment 9.

Question agreed to.

Lords amendment 9 accordingly agreed to.

The Speaker then put forthwith the Question necessary for the disposal of the business to be concluded at that time (Standing Order No. 83F).

Lords amendments 10, 13, 28, 66 to 68, 14, 48, 49, 100 to 102, 104, 15 to 24, 103, 25 to 27, 69 to 92, 107, 29 to 32 and 93 to 95 agreed to.

Business of the House

10.1 pm

The Parliamentary Secretary, Office of the Leader of the House of Commons (Barbara Keeley): With permission, I should like to make a short business statement. Given the situation in Afghanistan, I am sure all right hon. and hon. Members will agree that the subject is appropriate for a fuller debate than we had originally planned for this week. I announce the following business:

The business for THURSDAY 16 JULY will now be—topical debate on the preparation for the Copenhagen climate change conference followed by general debate on Afghanistan.

In addition, there has been a change to one of the subjects selected by the Official Opposition on WEDNESDAY 15 JULY. The first part will now be a debate on US/UK extradition treaty followed by a debate on care for the elderly.

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): May I thank the hon. Lady for her announcement and say that Conservative Members very much welcome her statement? The whole House, indeed the whole country, is concerned about the situation in Afghanistan, especially about the fate of our brave young men and women who daily put their lives on the line for Afghanistan's future and our continued freedom.

It is regrettable, however, that this announcement has had to be forced from the Government—and only after a weekend of bad headlines and distressing news of casualties. The House will no doubt reflect on the Government's tendency to take action only when it is in their own political interests to do so. Will the Deputy Leader of the House give us an assurance that she will do her utmost to ensure that no Government statements are made on Thursday so that we have the maximum time to discuss this crucial issue? *[Interruption.]* I fail to see why the Government Chief Whip is laughing; given the seriousness of this issue, I think it is perfectly in order to ask for it to be accorded the importance it deserves—an importance that not only we but the whole country attaches to it.

Barbara Keeley: I do not believe that the announcement has been forced in any way. Even today we spent some on the issue at Defence questions, and a significant chunk of the Prime Minister's statement covered the situation in Afghanistan as well as the G8 summit. We have already spent a significant amount of today's time on the subject, and it is perfectly right to swap around the topical debate and have even more time for a general debate on Afghanistan on Thursday.

Mr. David Heath (Somerton and Frome) (LD): Given the very serious situation in Afghanistan and the dangers faced by our young men and women serving in the armed forces, it is absolutely right to have time to debate the subject this week. I applaud the decision to turn over Thursday's late business for a debate on Afghanistan. Will the Deputy Leader of the House clarify whether the Foreign Secretary, the Secretary of State for Defence or, preferably, the Prime Minister will lead that debate? There are clear interlocking defence and foreign affairs considerations in debating Afghanistan and it would be best to deal with both aspects of the case.

At risk of sounding like the first person to call for the recall of Parliament before we have even reached the summer recess, let me say that we are engaged in a very serious conflict. Circumstances might change over the long summer recess, making it necessary that the House is informed. May I ask the hon. Lady to give some thought to how Members will be made aware of any change of circumstances, and the circumstances in which the House will be recalled if that becomes necessary because of matters of grave concern that we ought to be debating?

Barbara Keeley: I thank the hon. Gentleman for his support for the announcement. I tried to contact him a number of times this afternoon to warn him of it. He will understand that it is not for me to say who will lead the debate; it will be decided through the usual channels. However, we have heard what he has said.

My right hon. and learned Friend the Leader of the House made a point about keeping the House informed during the recess following last Thursday's business statement. I will ensure that she is made aware of the point that has been made this evening, and, if necessary, touches on it in this Thursday's business statement.

Mr. Christopher Chope (Christchurch) (Con): I welcome the statement, but will the Deputy Leader of the House tell us when she expects to fit in a debate on the Government's motion calling for a Select Committee on Reform of the House of Commons? Last Thursday there was a spare hour that the Government did not use to enable the motion to be debated. Obviously it less likely now that we will have—

Mr. Speaker: Order. Before the hon. Gentleman gets carried away with the development of his question, let me say that it is fair to note that the question simply does not arise from the business statement. I intend no discourtesy to the hon. Gentleman, but in that sense his point is not in order.

Mr. Chope: On a point of order, Mr. Speaker. The statement made by the Deputy Leader of the House refers to this Thursday. If I had been given an opportunity to conclude my remarks, I should have suggested the tabling of a business motion on Thursday to enable us to debate the motion to which I have referred.

Mr. Speaker: I am sorry to have to explain to the hon. Gentleman a second time, but as it is obviously necessary, I am happy to do so. As I have already said, the question that he raised did not and does not arise from the business statement. If he wishes to raise the point that is of interest to him, he can do so in the context of the business statement on Thursday.

Bob Spink (Castle Point) (Ind): Will the House be able to debate alternatives to military action to achieve the Afghan war objectives more efficiently, with more safety and with less cost?

Barbara Keeley: I have announced a general debate on Afghanistan. I am sure that it will be possible to touch on the points that the hon. Gentleman has raised during that debate.

Business without Debate

DELEGATED LEGISLATION

Mr. Speaker: With the leave of the House I shall put motions 4 to 7 together.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

COMPANIES

That the draft Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009, which was laid before this House on 17 June, be approved.

That the draft Companies Act 2006 (Consequential Amendments) (Uncertificated Securities) Order 2009, which was laid before this House on 17 June, be approved.

TAXES

That the draft Companies Act 2006 (Consequential Amendments) (Taxes and National Insurance) Order 2009, which was laid before this House on 17 June, be approved.

PREVENTION AND SUPPRESSION OF TERRORISM

That the draft Counter-Terrorism Act 2008 (Foreign Travel Notification Requirements) Regulations 2009, which were laid before this House on 23 June, be approved.—*(Mary Creagh.)*

Question agreed to.

SELECT COMMITTEE ON REFORM OF THE HOUSE OF COMMONS

Motion made,

(1) That a Select Committee be appointed to consider and make recommendations on the following matters:

(a) the appointment of members and chairmen of select committees;

(b) scheduling business in the House;

(c) enabling the public to initiate debates and proceedings in the House; and

(d) such other matters as appear to the Committee to be closely connected with the matters set out above, and to report on these matters by 13 November 2009;

(2) That the Committee also consider such other matters as may be referred to it from time to time;

(3) That the Committee consist of eighteen Members;

(4) That Mr Graham Allen, Mr Clive Betts, Mr Graham Brady, Mr David Clelland, Mr David Drew, Natascha Engel, Dr Evan Harris, David Howarth, Mr Michael Jack, Mr Greg Knight, Mr Elfyn Llwyd, Mr Chris Mullin, Dr Nick Palmer, Martin Salter, Dr Phyllis Starkey, Mr Andrew Tyrie, Dr Tony Wright and Sir George Young be members of the Committee;

(5) That Dr Tony Wright be Chairman of the Committee;

(6) That the Committee have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, to report from time to time and to appoint specialist advisers;

(7) That this Order be a Standing Order of the House until the end of the present Parliament.—*(Mary Creagh.)*

Hon. Members: Object.

PARLIAMENTARY PRIVILEGE

Ordered,

That the Order of 8 December 2008 relating to the Speaker's Committee on search of offices on the Parliamentary Estate be rescinded and the following Order be made:

(1) That, following the search of a Member's office in the Parliamentary Estate by the police and the seizure of material therein, a committee be appointed to review the internal processes of the House administration for granting permission for such action, to consider any matter relating to privilege arising from the police operation, and to make recommendations for the future;

(2) That the committee have power to send for persons, papers and records; to report from time to time; to sit notwithstanding any adjournment of the House and to appoint one specialist adviser either to supply information which is not readily available or to elucidate matters of complexity within the committee's order of reference;

(3) That Sir Alan Beith, Mr David Blunkett, Sir Menzies Campbell, Ann Coffey, Mr Doug Henderson, Ms Patricia Hewitt, Mr Michael Howard and Sir Malcolm Rifkind be members of the Committee;

(4) That Sir Menzies Campbell be the Chairman of the Committee; and

(5) That the committee report by 31 December 2009.—*(Mary Creagh.)*

REGIONAL SELECT COMMITTEE (SOUTH WEST)

Motion made,

That Linda Gilroy be discharged from the South West Regional Select Committee and Roger Berry be added.—*(Mary Creagh.)*

Hon. Members: Object.

COMMITTEES

Mr. Speaker: With the leave of the House, I shall put motions 11 to 14 together.

Communities and Local Government

Ordered,

That David Wright be discharged from the Communities and Local Government Committee and Alison Seabeck be added.

Culture, Media and Sport

Ordered,

That Mr Nigel Evans and Helen Southworth be discharged from the Culture, Media and Sport Committee and Mr Peter Ainsworth and Mr Tom Watson be added.

International Development

Ordered,

That John Bercow (elected Speaker) and Mr Stephen Crabb be discharged from the International Development Committee and Mr Mark Lancaster and Mr Nigel Evans be added.

Treasury

Ordered,

That Mr George Mudie be discharged from the Treasury Committee and Mr James Plaskitt be added.—*(Rosemary McKenna, on behalf of the Committee of Selection)*

PETITIONS

Primary Education (Cheshire)

10.9 pm

Mr. Stephen O'Brien (Eddisbury) (Con): It is my privilege to present a petition gathered by residents and supporters in a village in my constituency called Farndon. It is only a small village, but a phenomenal proportion of its inhabitants have been secured as petitioners; there are 1,063 signatures, which is testimony to their earnestness and the importance of the issue.

The petition states:

The Petition of residents in Farndon and its surrounding district in the Eddisbury parliamentary constituency in the county of Cheshire and those interested in the maintenance of primary education in Farndon,

Declares that the maintenance of primary education at Farndon school is vital for the interests of current and future pupils and is of crucial importance and benefit to the wider communities which it serves as an essential component of education in Cheshire; that the state of the buildings, classrooms and common facilities is wholly inadequate; that provision of suitable areas for recreation is in grave need of being made available, or brought up to standard to meet the needs of the children at the school; that the research in its design, costings and planning of the necessary improvements, as detailed in the school's feasibility plan, are well advanced and offer a best practice, value for money solution to the current deficit of provision; and that the education authority, Cheshire West and Chester council, provides the resources necessary to enable the school's feasibility plan to be put into effect.

The Petitioners therefore request that the House of Commons urges the Secretary of State for Children, Schools and Families to take steps to promote the proposal to make adequate provision at Farndon primary school and to rededicate support for the continuing high quality education at this establishment.

And the Petitioners remain, etc.

[P000389]

Air Guns (Control)

10.11 pm

Norman Lamb (North Norfolk) (LD): This petition follows the shocking shooting of a dog belonging to the Currah family in my constituency. The dog was shot in their garden by a neighbour using an airgun. That caused horror locally and 3,800 people have signed the petition.

The petition states:

The Petition of residents of North Norfolk and others,

Declares the Petitioners' serious concern at the dangers posed to dogs, humans and other animals by the lack of controls over access to airguns; notes the distress that the loss of a beloved family pet can cause; expresses the Petitioners' sympathy with the Currah family; and considers that the lack of practical restrictions on the use and purchase of airguns needs to be urgently addressed.

The Petitioners therefore request that the House of Commons urges the Government to confirm they will take action to enforce the restrictions on the sale and use of airguns.

And the Petitioners remain, etc.

[P000390]

Taxis (Northamptonshire)

10.12 pm

Mr. Peter Bone (Wellingborough) (Con): If you are able to come to Wellingborough again, Mr. Speaker, and you arrive at Wellingborough station, you will undoubtedly get in an excellent taxi that is well driven and great value for money, but there is a problem at present as there are too many hackney carriage plates in Wellingborough. I have a petition that is signed by only 56 people, but they are 56 of the 61 hackney carriage plate owners in Wellingborough.

The petition states:

The Humble Petition of hackney carriage drivers and associates of Wellingborough, Northamptonshire and surrounding areas,

Sheweth that too many hackney carriage licence plates are being issued in the borough of Wellingborough and that this is

causing there to be a surplus of taxis which is stopping drivers making a livelihood and threatening the level of service provided to the public.

Wherefore your Petitioners pray that your Honourable House urges the Secretary of State for Communities and Local Government to direct the borough council of Wellingborough to suspend temporarily the issue of any more hackney carriage licence plates until it has carried out a demand survey; and that the suspension be kept until a clear public demand for more taxis has been established.

And your Petitioners, as in duty bound, will ever pray, &c.

[P000391]

Planning and Development (Essex)

10.13 pm

Bob Spink (Castle Point) (Ind): On 3 June, I formally objected to the location of a Sure Start centre at Jotmans hall school in Benfleet after residents told me of their anger at a hare-brained scheme being secretly pushed through and their disbelief at the failure of councillors to inform or consult them or to control properly the council's policies on such important matters, or even to be honest and transparent with them. I was not surprised, therefore, when I received a petition signed by many extremely decent people, each of whom care deeply about their community and environment and the safety of children at that school The petitioners are local residents who pay the council and councillors to protect them, not harm them.

The petition states:

The Petition of John Hogarth, parents of Jotmans hall school, local residents and others,

Declares that the proposed development of a Sure Start centre at Jotmans hall school in Benfleet should be rejected because building the centre at that school would bring unacceptable problems including: compromising security for young children and the school buildings, including late at night and at weekends; destroying valuable green belt land and playing fields; wasting a vast amount of public money; increasing parking problems for school users and residents; and imposing highway safety dangers; further declares that the councils are pushing ahead with this plan because if they switch to other much more appropriate sites, they could lose their £500,000 budget for the project and that this demonstrates a cavalier approach by the councils to the management of public funds.

The Petitioners therefore request that the House of Commons urges the Government to encourage Essex county council and the Castle Point borough council to consider this objection and Petition and to reject the Jotmans hall site and to co-operate together in investigating more suitable sites, and to do this with public transparency and to undertake fully public consultation on any sites which are thought may be suitable.

And the Petitioners remain, etc.

[P000392]

"The Spirit of Humanity"

Motion made, and Question proposed, That this House do now adjourn.—*(Mary Creagh.)*

10.16 pm

Emily Thornberry (Islington, South and Finsbury) (Lab): "The Spirit of Humanity" sailed from Larnaca, Cyprus at the end of June, attempting to get to Gaza seaport and sailing under a Greek flag. There were 21 passengers and crew on board, from 11 different countries, including six British people. One of these last was my constituent, Miss Alex Harrison, who lives on the Marquess estate. In the early hours of 30 June, while they were still in international waters, they were surrounded by Israeli gunboats and threatened with being fired on. Their radar and communications systems were jammed and they were warned hourly that they must change course because, "You are headed for a blockaded area. All force necessary will be used." Lights were flashed at them throughout the night and, when they were 24 miles from Gaza, Zodiac boats appeared and then left again.

About four miles into Gaza's waters, the boats reappeared—six boats with 12 soldiers in each, wearing full-face balaclavas. They boarded the boat and all the passengers lay on the floor. My constituent, as a member of the crew, was still standing and was pushed to the floor at gunpoint.

Jeremy Corbyn (Islington, North) (Lab): I am pleased that my hon. Friend has secured this debate. Can she confirm that what the Israeli navy was doing at that point was totally illegal under international law? It was stopping an unarmed civilian vessel that was well known to be carrying humanitarian aid, and that is a contravention of international law.

Emily Thornberry: It would seem that that is the case, and I shall ask the Minister to confirm that.

It took seven hours for the boat to get into the port of Ashdod, where those on board were greeted by hundreds of jeering Israeli soldiers. The crew and passengers were held for between one and seven days, charged with illegally entering Israel and deported. That was ironic, because Israel was the last place they wanted to be. They wanted to go to Gaza—and Gaza as part of a Palestinian state. They were trying to publicise what has been happening in Gaza recently, and I shall outline some of those events.

As hon. Members know, Gaza is a small coastal strip, cut off from the outside world. Even before the latest hostilities, drastic restrictions on the movement of people and goods were imposed by the Israeli authorities, especially since October 2007. Those have led to worsening poverty, rising unemployment and deteriorating public services such as health care, water and sanitation.

When the eyes of the world were on Gaza, in the immediate aftermath of the military action by Israel, it was hoped that the tunnels would be closed and the crossings would be opened, and that Gaza might have a chance. However, six months later, after the hostilities had finished and the eyes of the world had looked away, restrictions on imports continued. It is impossible for Gazans to rebuild their lives. The quantities of goods now entering Gaza fall well short of what is required to meet the population's needs. According to the International

[Emily Thornberry]

Red Cross, in May 2009, only 2,662 truckloads of goods entered Gaza from Israel, a decrease of almost 80 per cent. compared with the 11,392 truckloads allowed in during April 2007 before Hamas took over the territory.

Lynne Jones (Birmingham, Selly Oak) (Lab): In fairness, I think that the Israeli Government's stance should be expressed. I wrote to them about what had happened with "The Spirit of Humanity". They wrote back and told me that receipt of humanitarian supplies, in some cases, has led to a surplus of humanitarian aid. Does my hon. Friend recognise that situation?

Emily Thornberry: I rely on the International Committee of the Red Cross and its excellent report, published in June, which gives an up-to-date assessment of what is happening in Gaza. Of course, it is always difficult to get access to information on which everyone can rely, but surely no one can argue with the ICRC on the issue. For example, it states that

"water and sanitation services could collapse at any moment"

in Gaza, which

"raises the spectre of a major public health crisis."

It goes on to say:

"The only way to address this crisis is to lift import restrictions on spare parts, water pipes and building materials such as cement and steel so that homes can be rebuilt and vital infrastructure maintained and upgraded."

Terrible stories are coming out about health care. One of the people suffering as a result of the restrictions is a woman whose case is highlighted by the ICRC, who has a pancreatic tumour. She is only 26, her name is Do'aa, and she has been waiting since January 2009 for permission to travel through Israel to get to Jordan for an operation. She has so far been refused, and she is likely to die.

Those who wish to get out of Gaza in order to get health care, because there is not sufficient and adequate health care in Gaza for those who have terrible conditions, find themselves caught in a bureaucratic maze. They request permission to leave the territory, which is incredibly complicated, and they find themselves waiting for many months. Many of them die. For those who do get permission to leave, even getting through the crossing can be very arduous. Patients on life support machines are

"removed from ambulances and placed on stretchers, then carried 60-80 metres through the crossing to ambulances waiting on the other side."

Patients who can walk unassisted often

"face extensive questioning before they are allowed through the crossing for medical treatment—or, as sometimes happens"

they are simply refused entry into Israel and turned back again.

The economy is strangled; there is soaring unemployment and alarming poverty. We simply have to allow Gaza to breathe. Local industry, agriculture, fisheries and other businesses have not been allowed to rebuild, to import essential inputs or to export their products, but even that would take time. The crisis has become so severe and entrenched that even if all the crossings were to be opened tomorrow it would take years for the economy to recover.

We must end the virtual blockade of Gaza. The crossing points must be opened and the legitimate security concerns of the Israelis have to be balanced with the right of Palestinians to live normal and dignified lives. Re-establishing humanitarian aid is really only the international community pleading to be allowed to put sticking plasters on to Gaza. What the people of the region need, more than anything else, is political courage. They need a political solution that will give peace and security to the people of Israel and Palestine.

Sir Gerald Kaufman (Manchester, Gorton) (Lab): My hon. Friend is describing an intolerable situation perpetrated by the Israeli state. Is it not a fact that her constituent and mine, who were on board "The Spirit of Humanity", were trying to alleviate that inhumanity but were the victims first of piracy by the Israeli navy and then kidnapping by the Israeli army?

Emily Thornberry: Again, on the face of it that would seem to be accurate. I would welcome the Minister's comments on that point. Will he give me an update on whether Her Majesty's Government agree that those people were, at the very least, harassed in international waters? Given the wholly disproportionate nature of the Israeli military operation in Gaza in January, will the Government reassess whether it is appropriate to sell arms to or buy arms from Israel? Finally, what hope is there for Gaza?

10.24 pm

The Minister of State, Foreign and Commonwealth Office (Mr. Ivan Lewis): I congratulate my hon. Friend the Member for Islington, South and Finsbury (Emily Thornberry) on securing this debate. She is obviously concerned about the fact that her constituent, Miss Alex Harrison, was on the "Spirit of Humanity" when these incidents occurred. It is important to say that helping to alleviate the humanitarian situation in Gaza is a high priority for the Government; equally important is working towards a long-term, sustainable and peaceful settlement in the middle east.

I want to provide an update regarding the vessel "Spirit of Humanity", which the Free Gaza Movement non-governmental organisation, as my hon. Friend has said, attempted to sail from Cyprus to Gaza. The UK appreciates and shares the concerns expressed by many individuals and organisations, including the Free Gaza Movement, about the humanitarian situation in Gaza. Current travel advice from the Foreign and Commonwealth Office advises clearly against all travel to Gaza, including to the waters off Gaza, but we recognise that there is a need for access by major international organisations, including those based in the UK, to carry out humanitarian and reconstruction work in Gaza and to engage in the independent reporting on, and verification of, the situation on the ground.

Martin Linton (Battersea) (Lab): I am glad that my hon. Friend says that the Government share the concern of such bodies about what has happened to the "Spirit of Humanity", but will he not go further and say that it is an example of the way in which the Israeli Government believe that they have some kind of dispensation to flout international law, not only by harassing ships in international waters but by building settlements and walls on occupied land and by blockading people in Gaza?

Mr. Lewis: I will go on to deal with the specific issues to do with the "Spirit of Humanity" in a moment, but the Government have made it very clear that we believe that the cessation of illegal settlements is an absolutely crucial starting point for the peace process. We welcome the recent speech by the President of the United States in Cairo, in which he made that point. Progress on settlements is fundamental to any progress with regard to the peace process, but I want to return to the "Spirit of Humanity". I also want to make the point that those who want to go to Gaza should co-ordinate their entry and exit with major international organisations and should not attempt to enter Gaza without approval from the Israeli or Egyptian authorities.

As my hon. Friend the Member for Islington, South and Finsbury has said, the Israeli navy took control of the "Spirit of Humanity" on 30 June and diverted it to Ashdod port in Israel. The Israeli navy handed all those on board, including the six British nationals, to Israeli immigration officials, who then placed them in detention.

Jeremy Corbyn: Surely the Minister has skipped over something. There is an issue about the legality of the Israeli navy's action in apprehending a civilian vessel in international waters. If he is accepting Israel's control of the waters off Gaza, that is surely accepting the occupation.

Mr. Lewis: I will come to my hon. Friend's point in a moment.

Mr. Andrew Pelling (Croydon, Central) (Ind): The constituent of the hon. Member for Islington, South and Finsbury (Emily Thornberry) was educated in my constituency and her parents live in Croydon. They expressed concern to me that Alex Harrison was detained for 23 hours without food and water by the Israeli authorities, and I wonder whether the Minister has any information on that. Her parents also expressed concern that the FCO, although admittedly contacted late at night, was fairly unhelpful for quite a long time in terms of responding to them about her treatment and, indeed, in its attitude to the incident in question.

Mr. Lewis: I can deal with that point directly. Officials at the British embassy in Tel Aviv confirmed that they were given good access to the British nationals and that all the British nationals with whom they had contact confirmed that they were treated well during their detention. So that seems to be at odds with the hon. Gentleman's contribution.

My right hon. Friend the Foreign Secretary discussed the incident directly with the Israeli Foreign Minister, Avigdor Lieberman, on 1 July. The Israeli authorities then deported the British nationals on 6 July, and as hon. Members are aware, they are now back in the United Kingdom.

Paul Rowen (Rochdale) (LD): The Minister wrote to me last week about the issue. When the Foreign Secretary met the Israeli Foreign Minister, did he protest at the interception of a civilian vessel in international waters?

Mr. Lewis: My right hon. Friend sought clarification of the series of events that took place, and I shall go on to talk about where the vessel was intercepted. My right hon. Friend raised that issue directly with the Israeli Foreign Minister. We have raised that issue directly with the Israeli Government. At this stage in terms of reporting back to the House, we are unable to confirm whether the vessel was intercepted in international waters or in Gazan waters. Whatever the situation, it is clear that all states must respect international law, including the law of the sea.

Lynne Jones: The Israelis' view is that they were enforcing international agreements, which means that they have responsibility for what they do in response to external threats, and the Israeli-Palestinian interim agreement on the west bank and Gaza strip means that foreign vessels may not approach closer than 12 nautical miles from the coast. Is that the Foreign Office's view of the situation?

Mr. Lewis: As I have tried to say to hon. Members, we have sought clarification from the Israeli Government about where the ship was and what, in international law, was the appropriate course of action. We still seek that clarification, but it is absolutely clear from the point of view of the UK Government that the Israeli Government must act consistently with international law, and that must apply in terms of the laws of the sea. We have raised this matter with the Israeli Foreign Minister; we have sought clarification and we await further information. I am not able to give the House any further information on that particular incident this evening.

Lynne Jones: The information that the Israeli Government have given to me is that they intercepted the "Spirit of Humanity" in Gazan waters, not in international waters, so does Israel have the right to intercept vessels in that location?

Mr. Lewis: As far as I am aware, although there may be a debate about whether that is appropriate, it is not in itself a breach of international law. The accusation that is being made about this intervention is that it in some way contravened international law. If the vessel was in Gazan waters, people may have a political debate about whether that action was appropriate, but it would not have breached international law.

Sir Gerald Kaufman: There is an argument about whether the vessel was in international waters, and certainly my constituent has made it clear that, from his point of view, it was. Setting that aside, is it not bizarre as well as obnoxious that the Israelis should abduct all those on that ship into a country that they had no intention of visiting and then deport them from it?

Mr. Lewis: I hear my right hon. Friend's view of the situation. We have sought to clarify with the Israeli Government why they felt the need to take this action and whether it was consistent with international law, taking account of not only their security concerns but the desire of people to get humanitarian assistance to the people of Gaza. That is the position of the UK Government. My right hon. Friend is entitled to his opinion, but the information that we have at our disposal means that, at this stage, we do not share it.

Richard Burden (Birmingham, Northfield) (Lab): Has my hon. Friend been convinced by Israel's explanations?

Mr. Lewis: We have sought clarification about what took place, where it took place and what conditions prevailed at the time. We will continue to seek that clarification. We have made it clear to the Israeli Government that, as ever, we expect them to behave in a

[Mr. Ivan Lewis]

way that is consistent with international law. We also respect the fact that the Israelis have a right to take reasonable measures to protect the security of their citizens and their border.

John McDonnell (Hayes and Harlington) (Lab): The Minister is giving the impression that Israel can act with impunity and that we are relying on Israel itself to give us the information on which we can make a judgment. I suggest that we need an independent investigation into this matter. British citizens were detained and, as my right hon. Friend the Member for Manchester, Gorton (Sir Gerald Kaufman) said, they were taken to a country that they did not wish to visit and then deported from it. In any other circumstances and with any other country we would be taking diplomatic action.

Mr. Lewis: I do not agree with my hon. Friend. He claims that I have suggested from the Dispatch Box that Israel should be able to act with impunity when I have said throughout my contribution that Israel has a responsibility to act consistently with international law. We have sought clarification from the Israeli Government as to whether, on this occasion, they acted consistently with international law in where they intercepted the vessel. We shall continue to seek further information. How that implies impunity, I am not sure.

Paul Rowen: Whatever might be said about Israel's security arrangements—they are a matter for Israel—and given that the ship was unarmed, when the Minister gets a statement from the Israeli Government, what action will he propose that the British Government should take to ensure that, in future, unarmed vessels trying to deliver aid to Gaza are not impounded in such a way?

Mr. Lewis: I have made it clear that we expect individuals and organisations who seek to get aid to Gaza to do so in consultation with the appropriate authorities. We advise that that is the best way to proceed if organisations and individuals genuinely want to get humanitarian aid through to the people of Gaza. I will not give a running commentary on what the United Kingdom may do in circumstances that may prevail at some stage in future; that would not be appropriate in this debate. I shall make some progress now.

We are very concerned about the humanitarian situation in Gaza. We know that the conflict earlier this year intensified an already difficult situation. It is true that the pace of deterioration has slowed since the ceasefire in January, but it is evident that the humanitarian situation remains extremely serious. The strict border restrictions, including on legitimate aid, reconstruction materials, trade goods and the movement of people, are having a major impact on the lives of ordinary Gazans, who suffer serious hardship. Approximately 90 per cent. of Gazans depend partly on food aid. During May, according to the UN Office for the Co-ordination of Humanitarian Affairs, the number of truckloads of goods allowed entry into Gaza was approximately 2,960. However, that is not enough; it represents less than a quarter of the monthly average of truckloads that entered Gaza in the first five months of 2007, before the tightening of the border restrictions in June of that year. We are concerned that those restrictions, and Hamas's control of the economy and the smuggling tunnels, mean that the people of Gaza are being denied hope, access to the means to rebuild their lives, and the chance of economic growth and education.

Although there is no permanent, physical Israeli presence in Gaza, Israel retains significant control over Gaza's borders, airspace, and territorial waters. It therefore retains obligations under the fourth Geneva convention. The convention is clear that an occupying power must co-operate in allowing the passage and distribution of relief consignments. It is therefore essential that the Government of Israel ease the restrictions on the Gaza border and allow an immediate increase in the flow of essential aid and reconstruction materials into Gaza, as well as the legitimate flow of trade, goods and people. My right hon. Friend the Foreign Secretary raised the United Kingdom's concerns on that general issue in his meeting with the Israeli Defence Minister, Ehud Barak, on 6 July, and in his conversations with the Israeli Foreign Minister—I referred to one of those conversations—which took place on 13 May and 1 July.

Together with the European Union, the United States, and the wider international community, we will continue to press the Israeli Government at the highest levels to reduce the restrictions, but Israel is not the only party that should move. Hamas must renounce violence, recognise Israel, accept previous agreements, and work with the Palestinian Authority towards a positive outcome in the current national dialogue negotiations presided over by Egypt. Hamas must also release Gilad Shalit, whom it kidnapped and has held illegally for more than three years without contact with his family, or access for the Red Cross. As my right hon. Friend the Foreign Secretary stated on the third anniversary of Gilad Shalit's abduction on 25 June, we call on Hamas for his immediate, unconditional and safe release. We share the Shalit family's dismay at Hamas's refusal to allow the International Committee of the Red Cross access to Gilad.

In conclusion, I plan to visit Israel and the Palestinian territories in the summer. I intend to develop my first-hand experience, as a Minister who is new in this role, of the challenges faced by both Israelis and Palestinians. I shall take the strong message that the United Kingdom intends to pursue a leadership role in securing a two-state solution in the middle east. The recent speech by President Obama in Cairo gives us a new sense of hope and a way forward. We welcome the fact that Prime Minister Netanyahu has for the first time acknowledged that the two-state solution was the objective. However, there is a long way to go, in terms of the Israelis' willingness to move on settlements. We also believe that the Arab peace initiative offers a promising basis for future negotiations.

Question put and agreed to.

10.39 pm

House adjourned.

House of Commons

Tuesday 14 July 2009

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

CANTERBURY CITY COUNCIL BILL

Motion made, That the Bill be now read the Third time.

Hon. Members: Object.

Bill to be read the Third time on Thursday 15 October.

NOTTINGHAM CITY COUNCIL BILL

Motion made, That the Bill be now read the Third time.

Hon. Members: Object.

Bill to be read the Third time on Thursday 15 October.

Oral Answers to Questions

TREASURY

The Chancellor of the Exchequer was asked—

Public Sector Pay

1. **Mr. Charles Walker** (Broxbourne) (Con): When he last met the chief executive of the Audit Commission to discuss levels of public sector pay. [286189]

The Chief Secretary to the Treasury (Mr. Liam Byrne): I met the chairman of the Audit Commission together with ministerial colleagues yesterday.

Mr. Walker: At a time of private sector pay freezes and public sector pay restraint, is it right that the leaders of our quangos are getting pay increases of up to 20 per cent. or more?

Mr. Byrne: The principle that must guide the rewards that go to leaders of quangos has to be very clear: they must be rewarded only on the basis of their performance on behalf of the public. However, the hon. Gentleman is right to allude to the necessity for public service leaders, no matter what part of the public sector they work in, whether it be the BBC or any other non-departmental public body, to set an example and to show restraint. That is why we have limited pay awards for senior civil servants, judges, senior NHS managers and NDPB chief executives in this financial year to just 1½ per cent.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Does the Minister agree that there are substantial numbers of public sector workers who are low paid and do not deserve to have their pay frozen, and that although there is a need for pay restraint, it ought to be applied to those at the top of the public sector and, indeed, to those at the top of the private sector?

Mr. Byrne: My hon. Friend has an excellent point. It is incumbent on the leaders of public services, at such times, to show restraint and to set an example. However, I agree that over the past 10 years it has been important to give some above-average pay increases to front-line staff in particular, such as nurses, fire service workers and the police. If we look back at the average pay rises throughout the private and public sectors, we find that they basically come out about the same. However, within that overall improvement in public sector pay, we are proud to have achieved particular rewards for nurses, teachers and police, because, let's face it, for many years they were under-rewarded.

Mr. Greg Hands (Hammersmith and Fulham) (Con): The Minister says that he is in favour of quango-boss pay restraint, yet we are seeing figures of 22 per cent. at the Centre for Environment, Fisheries and Aquaculture Science, 17 per cent. at the National Treatment Agency for Substance Misuse and 16 per cent. at the UK Hydrographic Office. The Chancellor told *The Sunday Times* that

"a pain-free way of cutting public spending would be to freeze public sector pay".

So which is it? Is he in favour of a pay freeze or huge rises for quango bosses?

Mr. Byrne: The argument is the argument that I made to the hon. Member for Broxbourne (Mr. Walker). There cannot be any automatic entitlement to bonuses or, indeed, to high pay. Any bonuses to people in the public sector can be awarded only on the basis of the performance that they have delivered for the public. Of course, on quangos there are wider questions—not just about pay, but about the number of quangos that we have in this country—and that is why I have asked for a cross-government look at the number that we have. What I will certainly not be doing, unlike the Opposition, is bringing forward plans for another 17 of them.

Bank Lending (Small and Medium Businesses)

2. **Derek Twigg** (Halton) (Lab): What recent representations he has received on the level of bank lending to small and medium-sized businesses; and if he will make a statement. [286190]

6. **Mr. Jim Cunningham** (Coventry, South) (Lab): What recent representations he has received on the level of bank lending to small and medium-sized businesses; and if he will make a statement. [286195]

The Chancellor of the Exchequer (Mr. Alistair Darling): The Bank of England's latest credit conditions survey suggested that there has been a second consecutive increase in the availability of corporate credit, in the second quarter of this year, and it expects a further easing in the following quarter.

Derek Twigg: My constituency has seen some of the largest increases in unemployment in the country, so it is vital that the banks support viable businesses and maintain jobs. Will my right hon. Friend do all that he can again to encourage banks to lend to viable businesses? There is an inconsistency among the banks which has been brought to my attention by a number of constituents.

Mr. Darling: My hon. Friend raises an understandable concern. We do have lending agreements with those banks in which we have substantial shareholdings, the Royal Bank of Scotland and Lloyds Banking Group. Those agreements will this year see RBS lend £25 billion and Lloyds lend £14 billion. In some cases, instructions do not appear to have worked their way down to regional and local levels to ensure that high-level agreements have been translated into available lending for companies and individuals. I am meeting representatives of the banks shortly to discuss that matter further, but they must ensure that the people who are responsible for making those decisions make them in the way that we want; that, in many cases, they renew their acquaintance with some of the businesses with which they deal; and that they get back to some good old-fashioned banking.

Mr. Cunningham: This has been going on for quite a long time; the banks' slowness to help small businesses has often been raised in the House. My right hon. Friend said that he is to meet representatives of the banks shortly. However, what effective measures can he take, because small businesses are suffering, they are impatient, and people's jobs are at stake?

Mr. Darling: I agree with my hon. Friend. It is important, particularly if we are going to see a recovery, to ensure that credit starts flowing, especially to the small and medium-sized enterprises sector, which employs so many people in this country. As I said a moment ago, it is important that the banks honour their commitments. In addition to the commitments that I referred to, Barclays and HSBC have also given undertakings to lend additional money during the course of the next year. It is very important that we see that through.

Mr. Michael Fallon (Sevenoaks) (Con): Can the Chancellor confirm that lending to business under the small firms loan guarantee scheme and the enterprise finance guarantee scheme was only £178 million in the year just finished—less than half the original target—and that despite the taxpayer billions and all the Government's promises, new lending to business is still falling in this financial year? Why?

Mr. Darling: At the beginning of this year, the take-up of lending was slower than we expected, not only on the supply side, on the part of banks, for the reasons that I mentioned, but because, as the hon. Gentleman will know, we saw a very substantial downturn in the economy at the end of last year and the beginning of this year. The result has been that the rate of lending has not been as high as we would have liked. However, all the mechanisms are now in place—certainly the funding is in place—and it is now important to ensure that lending takes place and gets put into the economy as quickly as possible.

John McFall (West Dunbartonshire) (Lab/Co-op): In the Treasury Committee's current inquiry into mortgage lending, the anecdotal evidence coming in to us indicates that credit scoring is tightening almost by the week. The Home Builders Federation has said that lenders are looking for any reason to refuse a loan. In his most recent appearance before the Committee, the Governor of the Bank of England said that lending to business is falling and lending to households is flat. When the Chancellor meets the banks, will he reinforce the point that they have not only economic but social obligations to ensure that this lending does indeed take place?

Mr. Darling: As my right hon. Friend knows, there is a balance to be struck in this regard. About a year ago in Treasury Question Time, Members on both sides of the House expressed concern about irresponsible lending. Inevitably, there has been some retrenchment on the part of lenders to ensure that when they lend money the borrower can maintain the repayments, which is obviously very important. The general point that my right hon. Friend makes has been made on both sides of the House. It is absolutely imperative, in this country and in others, that the banks see through the obligations that they have entered into. We need to get credit going again because that will be the thing that helps to drive the recovery. I will certainly be raising these matters when I meet the banks shortly.

Mr. George Osborne (Tatton) (Con): The Chancellor says that lending in the economy is lower than he expected. Perhaps that is something to do with the fact that half his schemes are not working. When he launched the asset-backed securities guarantee scheme, he said that it would

"increase confidence and capacity to lend, and...support the recovery".

Can he tell us how many major banks have made use of that scheme?

Mr. Darling: We are still in discussions with the banks to ensure that that facility is there, but it has to be seen in the context of a range of other measures that we have introduced to help to stabilise the banks and to get lending going again. The hon. Gentleman would be on much stronger ground if he reminded the House that he opposes every single one of these measures because he is against any sort of stimulus in the economy at all.

Mr. Osborne: I remind the Chancellor that almost a year ago we proposed a national loan guarantee scheme, which would have solved many of these problems. The answer to my question is zero—not a zero per cent. rise, but simply zero. Indeed, the Communities and Local Government Committee has today produced a report saying that although the asset-backed securities guarantee scheme is

"one of the most of the important of the weapons...for tackling the effects of the credit crunch...it is not working",

and the Labour Chair of the Committee says that

"it is doomed to fail".

The Chancellor talks about context. That scheme has no take-up, the trade credit insurance scheme has helped just 13 firms, and the mortgage rescue scheme for homeowners has helped just six families since it was

launched. Do not this Prime Minister and his Cabinet increasingly resemble a deluded emperor looking at Potemkin villages—schemes that were announced only in a press release and do not actually exist on the ground? Will the Chancellor go back to the drawing board, look again at the asset-back securities guarantee scheme, redesign it, re-price it, and get it working so that he can deliver, to coin a phrase, real help now?

Mr. Darling: The hon. Gentleman refers to his national loan scheme, which is all very well except that at one and the same time, he was saying that he would not provide any funding to ensure that it was actually in place. Then the shadow Business Secretary had to admit that if the Opposition had such a scheme, the taxpayer would be hit for it despite the fact that the Conservative party is against spending money on these things.

We are putting in place a range of measures to help businesses, for example on the time to pay and on enabling small businesses to carry back losses over three years, and the scheme to help the car industry—the scrappage scheme. A range of measures are being taken. I also have to say to the hon. Gentleman that a range of measures is in place to stabilise the banking system and ensure that it functions properly. All those things are in place. Some of them will take time to work their way through, but every one of them has one thing in common: they are opposed by the Conservative party. I welcome the Opposition's concern about them, but for the sake of completeness they should point out to people that they are against every single one of those measures to help our economy.

Dr. Brian Iddon (Bolton, South-East) (Lab): I have a medium-sized company in my constituency that distributes white goods to shops. Recently it has had to lay off a number of its work force because of the difficulty of acquiring trade credit insurance. May I ask my right hon. Friend what good news he may have for firms such as that, which are having such difficulties?

Mr. Darling: The Department for Business, Innovation and Skills has put in place measures to help with trade credit insurance, and it is examining the matter carefully to ensure that we can improve the availability of trade credit. That is very important not just for small firms but for large ones as well, and we are pursuing the matter because it is necessary to get it going.

Bingo (Taxation)

3. **Bob Spink** (Castle Point) (Ind): What recent discussions he has had with bingo operators on the effects on them of the taxation regime for bingo clubs. [286192]

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): We have had continued dialogue with the bingo industry both before and since the Budget on the impact of the tax regime. I last met the industry just two weeks ago, and that dialogue will of course continue.

Bob Spink: I thank the Minister for her answer. She and the whole House understand the social importance of bingo to our communities, and that the business of bingo is a caring and a good business. Will the Government keep the taxation of bingo under review in future Budgets, to ensure that it is taxed fairly given its social function?

Sarah McCarthy-Fry: The hon. Gentleman is an advocate for all his constituents who have written to him. I know from letters that I have received that many hon. Members have received correspondence from their constituents about the importance of bingo. Of course we will continue the dialogue with the industry, and these things are always kept under review in the pre-Budget report and the Budget.

Kelvin Hopkins (Luton, North) (Lab): May I suggest that my hon. Friend consult other Ministers about which forms of gambling are most dangerous and which are most innocent, and then consider taxing gambling according to the danger of addictive tendencies? That would be not only fair but helpful to those who suffer from compulsive gambling.

Sarah McCarthy-Fry: We have not had a policy of taxing gambling in accordance with how addictive or dangerous it is. That does not mean to say that we would not consider that in future. We have to take into account a lot of considerations as we look at different rates of duty, particularly for the bingo industry. The changes that we made in the Budget were designed to simplify the regime.

Sir Patrick Cormack (South Staffordshire) (Con): Does the Minister wish to go down in history as Miss Killjoy?

Sarah McCarthy-Fry: I do not wish to go down in history as Miss Killjoy, and I certainly do not think that is my function or what I am doing in this instance.

Jeff Ennis (Barnsley, East and Mexborough) (Lab): In a response on this very issue that I received from one of my hon. Friend's ministerial colleagues, dated 30 April, it was pointed out to me that over the past six years, taxation on bingo had fallen from 35 per cent. to 22 per cent. That is good news, but given that bingo clubs are still closing, would it not be better to consider lowering the tax even further? After all, it is better to get taxation at 20 per cent. from a thriving bingo club than to close clubs down at 22 per cent.

Sarah McCarthy-Fry: As I said in answer to previous questions, we are of course in ongoing dialogue with the industry about the impact of what has been done. My hon. Friend is quite right to say that as recently as 2003 the effective tax rate was 35 per cent. We will continue to look at the matter and, as I have said, we recognise the importance of bingo to many of our constituents, as evidenced by the correspondence that we have received.

IR35

4. **Ann Winterton** (Congleton) (Con): If he will bring forward proposals to rescind IR35 measures. [286193]

The Financial Secretary to the Treasury (Mr. Stephen Timms): No, we have no plans to rescind IR35. It remains important that people with personal service companies should not gain an unfair tax advantage over direct employees.

Ann Winterton: That is a disappointing reply because IR35 blurs the distinction between freelancers and employees for their tax liability. Although fraudulent employment should be tackled, why punish genuine freelancers when enterprises are needed to generate wealth for the United Kingdom economy, and when there is no evidence that IR35 raises any money for the Exchequer?

Mr. Timms: I would turn the question back on the hon. Lady. Why should somebody who is effectively in an employment relationship with an employer, but with a personal service company, have a tax advantage over a direct employee? I vividly remember the heated debate after IR35 was announced more or less exactly 10 years ago, but it has operated satisfactorily since then. The key point is that people who are in employment should be taxed as employees. IR35 has therefore addressed a potential unfairness.

Kaupthing Singer and Friedlander Isle of Man

5. **Mr. Barry Sheerman** (Huddersfield) (Lab/Co-op): If he will hold discussions with the Isle of Man Government on reimbursement of the legal costs of UK depositors of Kaupthing Singer and Friedlander Isle of Man bank arising from the scheme of arrangement against the bank administered by the Isle of Man authorities. [286194]

The Economic Secretary to the Treasury (Ian Pearson): Kaupthing Singer and Friedlander Isle of Man is a subsidiary not of KSF in the UK, but of the Icelandic parent company. Oversight of KSF Isle of Man is the responsibility of the Isle of Man's Financial Supervision Commission. Arrangements for depositors in KSF Isle of Man, including for the reimbursement of legal costs, are a matter for Manx insolvency law and the Isle of Man Government.

Mr. Sheerman: Is not my hon. Friend passing the buck? People in my constituency and throughout the United Kingdom invested in the Derbyshire building society, thinking that their savings were safe. They have lost most of their savings and they are still waiting for any recompense. The legal costs will haemorrhage away what hope they have of ever getting anything. They are UK citizens who have lost their life savings, and I believe that we should do something to help them.

Ian Pearson: It is my understanding that investors in the Derbyshire were clearly informed when their savings were transferred to KSF Isle of Man. It is a fact that KSF Isle of Man is regulated by the Manx authorities, in the same way as other jurisdictions have their own regulators. It is not possible for the UK Government to intervene in those circumstances. I am more than happy to discuss the issue with my hon. Friend in more detail, if he wishes. I recognise the concern of savers in his constituency and others.

Mr. Gregory Campbell (East Londonderry) (DUP): The Government moved early to protect savers with Northern Rock and other large financial institutions in the United Kingdom. Do not savers with smaller institutions, such as the Derbyshire and the Presbyterian mutual society in Northern Ireland, deserve the same protection?

Ian Pearson: As the hon. Gentleman knows, following discussions with some of the party leaders in the Northern Ireland Administration, the Government have announced that we will conduct a review of the Presbyterian mutual society and the situation facing savers. I understand that that review has just started and is due to report in the autumn. The hon. Gentleman will also know about the general issue of regulating industrial and provident societies and credit unions in Northern Ireland. A report was published on that matter on 8 July, to which I refer him.

Alcohol Duties (Employment)

7. **Greg Mulholland** (Leeds, North-West) (LD): What assessment he has made of the effect on levels of employment in the pub and hospitality industry of the changes in alcohol duties announced in the 2009 Budget. [286197]

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): Many factors affect the level of employment in the hospitality and pub industry. No separate assessment has been made of the effects of the changes in alcohol duty.

Greg Mulholland: I thank the Exchequer Secretary for her reply. Let me tell her that 5,000 jobs are estimated to have gone since the 2 per cent. rise was introduced. May I bring it to her attention and to that of the Government that the Royal Bank of Scotland owns 1,000 tied pubs, with some tenants facing unreasonable rents and beer prices, forcing them out of work and on to the dole queue? How does she feel about that, given that RBS is part Government owned? Will she and the Government support calls for RBS to sell those pubs to tenants at fair market prices?

Sarah McCarthy-Fry: I am sure that the hon. Gentleman is aware that the Government do not control the management of RBS, so we leave that issue to them.

Mr. David Hamilton (Midlothian) (Lab): I have been in correspondence with my right hon. Friend the Chancellor. One of the things that has come up is the fact that the tariffs on beer are exactly the same whether it be prepacked or draught beer. It is European legislation that is stopping us from recognising the difference. Surely as a Government we can go to our Labour MEPs—and, indeed, to Governments across Europe—and get rid of that tariff, because that is what is closing a number of pubs at the present time.

Sarah McCarthy-Fry: I thank my hon. Friend for his question. He will be aware that there will be a review of the alcohol directives in 2010. When the new Commission is in place, a work programme will be published on what areas it will look at. We will work closely with the Commission to ensure that what comes out of the review is best for the UK industry.

Comprehensive Spending Review

8. **Mr. Desmond Swayne** (New Forest, West) (Con): Against what timetable he plans to conduct the next comprehensive spending review. [286198]

The Chancellor of the Exchequer (Mr. Alistair Darling): Departmental budgets are set until April 2011. As I said in the Budget statement, the current economic uncertainty means that it would not make any sense to try to set departmental budgets now for every year to 2014. However, as I said in the Budget, we will return to that issue at the pre-Budget report and then again in the Budget.

Mr. Swayne: Given the economic difficulty and the background, can the Chancellor tell us whether there is any difference in principle between setting the overall expenditure envelope and setting the departmental total?

Mr. Darling: There is quite a big difference I would have thought, but the hon. Gentleman has helped to draw attention to the fact that in the Budget I had two principal aims. One was to ensure that we continued to support the economy now, by ensuring that we maintain spending at its present levels, as we intended from 2007. The second aim was to ensure that we halve the deficit over a five-year period. Both those things were important: it is important to support the economy now, but it was also important that we set out a clear sense of direction, so that we can get borrowing down. That was the strategy that we set out, and it remains our policy.

Dr. Vincent Cable (Twickenham) (LD): There is clearly much uncertainty, but does the Chancellor accept the estimate of the OECD, which is that we now have a structural deficit on the budget of around 7 per cent. of GDP, which the public spending review will have to incorporate? As he agrees with us, I think, that it would be foolish and counter-productive to resort to fiscal tightening in a recession, how many years does he think it would take thereafter to eliminate that structural deficit?

Mr. Darling: First, my forecasts have not changed since I set them out in April in the Budget; and as the hon. Gentleman knows, we will update our forecasts at the pre-Budget report. He is quite right too to identify the fact that there is still quite a lot of uncertainty. Although there have been some encouraging signs in this country and other parts of the world that we are on course to recovery, the problems in world trade are affecting exports. Although oil prices have come down over the past few days, the fact that they have risen poses another threat that we will have to deal with. However, as for making further forecasts or further judgments on what else we can do on spending, that is something to which I said I would return at the pre-Budget report and the Budget next year.

Mr. Philip Hammond (Runnymede and Weybridge) (Con): I would like to conduct an intragovernmental sight test. The Schools Secretary has claimed to be able to see the spending on schools and hospitals rising in real terms after 2011. If the Chancellor focuses carefully, can he see that too, or is his vision of the future altogether blurrier?

Mr. Darling: I think that I have made our position absolutely clear as far as spending beyond 2011 is concerned. However, if the hon. Gentleman wants to play at sight games, perhaps he could explain why one moment we get the Conservatives promising tax cuts and another moment we are told that they are off for six years. One moment we are told that the Conservatives want to spend more; then we are told that they want to cut more. The hon. Gentleman ought to attend to some of his own difficulties before he addresses anything else.

Mr. Stephen Dorrell (Charnwood) (Con): The Chancellor just said that it was his priority to halve the scale of the public deficit. How can that possibly be realistic, and how can he be taken seriously, if he defers indefinitely the comprehensive spending review that must be the essential building block for delivering the policy that he has just told us from the Dispatch Box is a priority?

Mr. Darling: I do think that it is important that we reduce the deficit, which is why I have set out plans to reduce it by half over a five-year period. That is a reasonable period of time, given where we are at the moment. I said in reply to the hon. Member for New Forest, West (Mr. Swayne) that, at this stage, it would not make any sense to set out detailed departmental totals in the midst of what are still pretty uncertain conditions. I said that we would come back to that at the PBR and the Budget, and that remains our position.

River Forth Crossing (UK Government Assistance)

9. **Willie Rennie** (Dunfermline and West Fife) (LD): What recent discussions he has had with the Scottish Executive on UK Government assistance for the construction of a new crossing over the River Forth. [286199]

The Financial Secretary to the Treasury (Mr. Stephen Timms): My right hon. Friends the former Chief Secretary to the Treasury and the Secretary of State for Scotland met the Scottish Finance Minister in March to discuss financing for a new Forth bridge.

Willie Rennie: I warmly welcome the acceptance that the UK Government should help the Scottish Government to fund this vital new crossing, but when will the Government come forward with real new money to help to pay for the bridge? Will they also consider speedily bringing in new borrowing powers for the Scottish Government, so that they can spread the cost over a number of years, as has been proposed by the Calman Commission?

Mr. Timms: I am glad to recognise the importance of the second Forth crossing, and to support the importance of its construction. Funding, however, is a devolved decision, and this is a matter for the Scottish Executive to determine. My right hon. Friends offered flexibility to help within the economic framework applying to the UK as a whole, and I hope that that flexibility will allow the project to proceed.

Rob Marris (Wolverhampton, South-West) (Lab): Can my right hon. Friend assure me that the Government will hold firm on this? Scotland already gets shedloads of extra money under the Barnett formula. It is entitled

to raise its own taxes, and this Government should stand firm against this bridge, for which Scotland wants even more money.

Mr. Timms: My hon. Friend makes a forceful point. Let me simply say that this is an important project, but it needs to be carried out within the economic framework applying to the UK as a whole. My right hon. Friend the Chancellor has just set out some of the Government's constraints and objectives in relation to the public finances over the next five years, and this decision needs to be made within that context.

Equitable Life

10. **Sir Robert Smith** (West Aberdeenshire and Kincardine) (LD): What reports he has received of the progress made by Sir John Chadwick in the formulation of his advice on an Equitable Life ex gratia payment scheme. [286200]

11. **Jo Swinson** (East Dunbartonshire) (LD): What reports he has received of the progress made by Sir John Chadwick in the formulation of his advice on an Equitable Life ex gratia payment scheme. [286201]

The Chief Secretary to the Treasury (Mr. Liam Byrne): Sir John provides regular updates to the Government on progress. He has now established his office and appointed key members and the actuarial advisers Towers Perrin. On 16 June, Sir John issued a document setting out his proposed approach and requesting that representations be made to him by this Friday.

Sir Robert Smith: I thank the Minister for his answer. While the ex gratia scheme fails to meet the needs and expectations of the victims of maladministration by the Government over Equitable Life, it should still be speedily and efficiently introduced. To that end, will he tell us what time requirement has been placed on Sir John to bring in the scheme? Does he also understand that it is more than appropriate for Sir John to meet the concerned MPs and members of all-party groups who want to lobby him on this issue?

Mr. Byrne: That is a fair comment. I spoke to Sir John Chadwick about this question this morning, and his office has confirmed that he would be very happy to continue to receive representations from Members of this House. The question of the speed of his conclusions is also an important one, but I would like him to balance speed with coming to the right conclusions. He will obviously have to go through an enormous amount of information about policyholders, which will have to be thoroughly analysed before any conclusions can be drawn about the right ex gratia scheme to correct this injustice. Sir John told me this morning that it will be much easier for him to pin down what the next stages will be after this Friday, when all the representations have been received. He hopes to publish a further document pointing out the next steps in August.

Jo Swinson: I appreciate what the Minister says about ensuring that we get the right scheme, but nine years after this saga started, and with 15 policyholders dying every day, how much longer does he think it is reasonable for people to wait?

Mr. Byrne: I would just like to underline my previous answer and to say that speed is of the essence now. It is vital that justice be delivered to the policyholders of Equitable Life. At the same time, however, I appreciate the enormous burden that has been placed on Sir John to get to grips with understanding where there have been losses and the scale of those losses, and where hardship has been caused and the dimensions of that hardship. The hon. Lady will appreciate that those considerations are all vital if Sir John is to establish an ex gratia scheme that will correct this injustice that has so incensed Members of the House.

Mr. Lindsay Hoyle (Chorley) (Lab): We hear what my right hon. Friend has to say, but the truth is that there is not a constituency in the country that has not been touched by the plight of Equitable Life policyholders. The time has now come to show compassion and that the Government care. Let us get on with it; let us pay out the cheques and have done with it once and for all.

Mr. Byrne: That urgency is shared by me and by Sir John Chadwick, but my hon. Friend would agree that we do not want an ex gratia scheme that does not correct the injustices, which have been accepted by the Government and widely acknowledged on both sides of the House. My hon. Friend would also accept that Sir John has an enormous amount of information to go through, and I would rather that he proceeded with urgency but produced an ex gratia scheme that is right.

Miss Anne Begg (Aberdeen, South) (Lab): A pensioner couple came to see me in my constituency on Friday. They have suffered greatly because of the collapse of Equitable Life. They have been living on an overdraft, and the bank has pulled the plug on it. The fact that the couple hoped to get something from the ex gratia scheme cut no ice with that bank. There are people who are in deep financial difficulty, and I urge the Government to get a move on and get some money into their pockets.

Mr. Byrne: That message is received loud and clear.

Mr. Mark Hoban (Fareham) (Con): It is now a year since the ombudsman produced her report and it is six months since the Government produced their response. Does the Minister not appreciate just how angry policyholders are that they still do not know how much they may receive or when they may receive it? Is it not time for the Government to give a clear deadline for when policyholders can expect to receive some payments in recognition of the losses they suffered as a result of the Government's maladministration of the regulation of Equitable Life?

Mr. Byrne: That anger is shared on both sides of the House, which is why I urge all Members to make representations to Sir John by this Friday. We have had a couple of good debates over the past few months, and it is important to keep up the momentum behind Sir John's work. That is why he proposed such a short timetable for receiving representations about where injustices and hardship have been caused, and why I am glad that he will produce a document setting out his next steps in August. All Members want a speedy resolution now.

Comprehensive Spending Review

12. **Mr. David Amess** (Southend, West) (Con): What steps his Department is taking in preparation for the next comprehensive spending review. [286202]

The Financial Secretary to the Treasury (Mr. Stephen Timms): As my right hon. Friend the Chancellor has said, departmental budgets are set until April 2011. We are less than half way through the current spending review and current economic uncertainty makes it unrealistic to set departmental budgets now, all the way through to 2014. My right hon. Friend will have more to say about that in the pre-Budget report and the Budget.

Mr. Amess: I listened to what the Minister said, but I do not think it will or can wash with the House. The British economy is obviously in a terrible state and the only people who do not realise it are the Government. The Institute for Fiscal Studies has said that departmental spending will fall between 2011 and 2014. Will the Minister now admit that?

Mr. Timms: As I have said to the House, we will set out departmental budgets at the next spending review. There is a good deal of uncertainty, including about the kind of things that the IFS is forecasting at the moment, and it would be rash to set out detailed projections and commitments at this stage. That is why my right hon. Friend the Chancellor will come back to it later this year or in the Budget next year.

Mr. Andrew Tyrie (Chichester) (Con): Is not the truth that this has nothing to do with economic rashness and everything to do with political rashness? Is not the real reason why we do not have a comprehensive spending review that the Government know that they would have absolutely no chance at a general election if they had to reveal the scale of the cuts required to repair the mess in which they have put this country?

Mr. Timms: No, that is certainly not the case. There is an unprecedented worldwide downturn, which we are dealing with—and dealing with very effectively—but that causes uncertainty. For that reason, it is not right to set out public spending forecasts all the way to 2014. I would be interested to know from Conservative Members whether, as the shadow International Development Secretary said yesterday—

Mr. Speaker: Order. I am very grateful to the right hon. Gentleman for his thoughts on that matter, but he need not take them any further.

Counter-recessionary Policies

13. **Hugh Bayley** (City of York) (Lab): What recent assessment he has made of the effectiveness of his Department's policies to counter the effects on the UK economy of the global recession. [286203]

The Economic Secretary to the Treasury (Ian Pearson): The Government have taken decisive action to support the UK economy, and we continue to monitor a range of indicators as part of our overall assessment of the state of the economy. As we said in the 2009 Budget, we expect growth to return by the end of the year, and it is forecast that the economy will pick up progressively throughout 2010 and 2011 as the macro-economic stimulus builds and credit conditions ease.

Hugh Bayley: At the G20 summit in London in March, many other countries took a lead from Britain in adopting fiscal stimulus packages. When the NATO Parliamentary Assembly's economics committee met the International Monetary Fund recently, it expressed the belief that such packages were reducing the size of the downturn in the global economy by some 7 per cent. What assessment have the Government made of their effect in the UK and in other countries?

Ian Pearson: My hon. Friend is right to make the basic point that you cannot cut your way out of a recession. The Government have taken concerted action domestically, but we have also worked very effectively internationally to ensure a co-ordinated fiscal stimulus, and I think it absolutely right for such action to be taken. It is, we believe, starting to have some effect. As the Chancellor said, there is a lot of anxiety out there, but we stand by our forecasts. One of the key things that distinguish us from the Opposition is that we, as a Government, are taking real action in launching programmes and providing real support for people and businesses—measures that have been opposed by the Conservative party.

Sir Peter Tapsell (Louth and Horncastle) (Con): While the more cautious entrepreneurs wait to see whether the second shoe of the global crisis is still to fall, does the Treasury understand that early publication of a sound comprehensive financial review would do much to reassure them and bring investment back into the market?

Ian Pearson: We have set an overall direction that is very clear and was announced in the Budget. As the hon. Gentleman will know from the evidence of previous recessions, many entrepreneurs who have taken bold actions at such times have grown world-scale businesses as a result. We believe that this is a good time for UK companies to invest in their growth prospects. We want to invest in building Britain's future, and that is what the Budget has been all about.

Net Contribution to the EU

14. **Mr. Peter Bone** (Wellingborough) (Con): What is his most recent estimate of the UK's net contribution to the EU in 2010-11. [286204]

The Economic Secretary to the Treasury (Ian Pearson): As the hon. Gentleman knows, the Government's latest forecast of UK net contributions to the European Community budget was published in table C9 on page 238 of the 2009 Budget Red Book. I can tell him, however, that the forecast is for a net contribution of £6.5 billion in 2010-11.

Mr. Bone: I am grateful to the Minister for his reply, but he forgot to mention that the UK's contribution is £3.5 billion—117 per cent.—more than it was last year. We could buy 70 more Chinook helicopters for that. Does the Minister believe that the British people would

rather see billions of pounds given to European farmers or spent on extra helicopters to support the brave servicemen and women who are fighting in Afghanistan?

Ian Pearson: As the hon. Gentleman well knows, our contributions to the EC budget have been set as a result of negotiations. He will be aware of the negotiations that took place in 2005. Only recently, he had an exchange with the Prime Minister in which the Prime Minister made clear our belief that it is right for us to share the burden of membership of the European Union with the new accession countries so that every part of the European Union can look forward to prosperity in the future. As the hon. Gentleman knows very well, that remains our position.

Dr. William McCrea (South Antrim) (DUP): Does the Minister accept, at a time of recession, the importance of spending as much of our money as possible in the United Kingdom rather than feeding the bottomless pit of the EU?

Ian Pearson: It is easy to engage in Euro-bashing, but the simple fact is that the UK Government have been trying to recognise the contributions that we are required to make to the European Community budget, while at the same time ensuring that we negotiate hard, which we were doing on Friday in Brussels and we will continue to do until we agree the budget in November this year for 2010. At the same time, we ensure rigorous value for money, and the UK will continue to press strongly on that, as we always do.

Personal Debt

16. **Annette Brooke** (Mid-Dorset and North Poole) (LD): What his most recent estimate is of the level of personal debt in the economy. [286206]

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): The Bank of England collects and publishes statistics on the level of personal debt in the economy, and according to its latest statistics, total personal debt was £1.46 trillion in May 2009.

Annette Brooke: Against that worrying background, my local citizens advice bureau really welcomes debt relief orders but is very concerned about the availability of intermediaries. Is the hon. Lady aware of those concerns, and what action is she taking?

Sarah McCarthy-Fry: We are obviously in discussion with all organisations that give debt advice, including the CAB, and I am sure we will continue to have discussions on the point that the hon. Lady raises.

Topical Questions

T1. [286214] **Mr. Adam Holloway** (Gravesham) (Con): If he will make a statement on his departmental responsibilities.

The Chancellor of the Exchequer (Mr. Alistair Darling): The core purpose of the Department remains as I set out in previous Treasury questions.

Mr. Holloway: Does the Chancellor think that a 50p rate of income tax would slow the economy's return to growth?

Mr. Darling: As I said in the Budget, it is necessary for us to raise revenues and I think it fair to look to people who have the broadest shoulders to take some of that burden. Other countries will face exactly the same problems over the next few months and years, and I believe that the measures I have announced as a whole in the Budget and the pre-Budget report will help to support our economy and help it to grow.

T3. [286216] **Ms Sally Keeble** (Northampton, North) (Lab): Is my hon. Friend aware of the level of concern about the high charges for mortgage arrears being charged by some providers—for example, up to £150 by a debt counsellor, and up to 2 per cent. in standing monthly charges? Will he talk to the Financial Services Authority and see whether some controls or standards can be set to keep down the very high charges that are affecting a number of my constituents?

The Exchequer Secretary to the Treasury (Sarah McCarthy-Fry): We do of course recognise the worries that many households have about meeting mortgage payments, keeping their home and falling into negative equity. We will explore any avenue that will help people in that situation.

T2. [286215] **Paul Rowen** (Rochdale) (LD): If all taxpayer liabilities against RBS and Lloyds are taken into account, the current loss is more like £20 billion, rather than the £11 billion claimed by United Kingdom Financial Investments Ltd. In that context, can the Chancellor of the Exchequer give the House an assurance that there will be no early sale of these assets—before the general election, say?

Mr. Darling: Yesterday, the UKFI was simply recording the book price of the shares for RBS and Lloyds, which are actually worth a bit more than in February, but as the shares are not being sold today, it is not a real loss. I can tell the House that it is our policy to return these shares to the private sector, but we will only do that when it is the right thing to do for the taxpayer, for financial stability, and for the wider economy. All those conditions were clearly set out in both the UKFI annual report yesterday, and in the White Paper that I published last week on the regulation of financial markets. We will enter into a sale only when we judge that the time is right: in other words, we are in no hurry to do so.

T4. [286217] **Lynne Jones** (Birmingham, Selly Oak) (Lab): Is the Governor now satisfied that the Bank of England has the necessary powers to fulfil its statutory responsibility to protect the stability of the financial system?

Mr. Darling: As my hon. Friend knows, I set out the Government's proposals last week both to strengthen the powers available to the FSA and to build on the additional powers that we gave to the Bank of England under the Banking Act 2009, which was passed earlier this year. We will continue to consider, with the Governor and the FSA, what additional powers might be necessary, but the measures I announced last week, which are

broadly in line with what other Governments and countries are doing in different parts of the world, will make it easier in future to ensure that we act on warning signs if things start to go wrong. That is very important.

T5. [286219] **Simon Hughes** (North Southwark and Bermondsey) (LD): While the Chancellor and his colleagues are responsible for some bank assets, is there not an opportunity to use them to provide guarantees or loans for the infrastructure that we need for the green and renewable energy products and plant that the Prime Minister and the rest of the Government keep telling us that we need? Is not now the time to use this asset at this moment of environmental crisis?

Mr. Darling: The hon. Gentleman will no doubt recall that in the Budget I set out proposals significantly to increase the amount of money that we are spending to improve environmental and energy efficiency. He will no doubt also be aware that the Secretary of State for Energy and Climate Change will publish a White Paper tomorrow, which contains significant proposals that will go a long way to ensuring that we meet our obligations. We have already done more than most other countries in relation to our Kyoto obligations, and we will continue to do everything that we can to ensure that we have secure energy supplies that are much cleaner and greener in the future.

Mr. Eric Illsley (Barnsley, Central) (Lab): I wish to return to the subject of the bingo industry. Will my hon. Friend the Exchequer Secretary seek an early meeting with the Bingo Association to clarify the point that she made on Report, when she said that she was still waiting for information from the association about its figures? She also said that the industry had accepted the taxation regime that the Government introduced in the Budget. I am sure that she meant to say that it had accepted the calculations. Will she seek an urgent meeting to clarify that information to the industry?

Sarah McCarthy-Fry: As I clarified earlier, dialogue with the bingo industry is definitely ongoing. The last meeting I had was two weeks ago, at which the industry presented some data, but they were not complete. We have agreed that the industry will bring more data forward.

T6. [286224] **Miss Anne McIntosh** (Vale of York) (Con): The Chancellor will be aware that the current comprehensive spending review gave a further £2 billion for PFI initiatives in waste disposal management options to enable the UK to meet its EU landfill directive obligations and recycling targets. Does the Minister acknowledge that none of those PFI projects has gone forward because the banks need more details and more reassurance, so the landfill targets will not be delivered within the prescribed time limit?

The Chief Secretary to the Treasury (Mr. Liam Byrne): This is the kind of infrastructure project that we keep under constant review. It is also closely watched by regional Ministers through the work that I do with the Minister for Regional Economic Development and Co-ordination. We will look into the schemes that the hon. Lady highlights, and if they are being held up through a lack of information, we will make sure that steps are taken to accelerate these projects and get delays out of the way.

David Taylor (North-West Leicestershire) (Lab/Co-op): Last time I looked, the objectives of the Audit Commission were to drive efficiency and effectiveness in local public services, but last week its chief executive dismissed critics of public sector cuts as "shroud-wavers". Will the Minister have a quiet word with Mr. Bundred, put him back in his box and explain that one of the roles of the public sector is to help to sustain the economy during a time of recession?

Mr. Byrne: That is an argument that the chief executive and chairman of the Audit Commission would recognise. Indeed, fruitful conversations take place day to day and week to week between Ministers and the commission about how we can strengthen the role of local authorities in delivering what is a broad package of help, put in place and financed by this Government to ensure that this recession does not cut for long or deeply.

T7. [286225] **Andrew George** (St. Ives) (LD): With rising repossessions and 500,000 more families on local authority housing registers, what assessment have the Government made of the effectiveness of their policy to intervene to protect those in the most desperate housing need?

Mr. Byrne: As the House will know, a wide range of measures is in place to ensure that we minimise the number of people who lose their home during this recession. I know that the Council of Mortgage Lenders has already revised down at least once the number of repossessions that it anticipates this year, and it acknowledges that it is the rapid action taken by the Government, and the range of help that has been put in place, that will help to deliver that lower number. Obviously, every repossession is a tragedy for the family concerned: we want to ensure that we act to keep such repossessions to an absolute minimum.

Mr. Jim Devine (Livingston) (Lab): Will my right hon. Friend reassure health service workers that the recommendations of the pay review body will be honoured in full?

Mr. Byrne: Yes, I will.

T8. [286227] **Mr. Andrew Mackay** (Bracknell) (Con): Why does the Chancellor of the Exchequer think that the First Secretary told the nation that there would be no comprehensive spending review before the general election?

Mr. Darling: I listened very carefully to all the interviews given by my right hon. Friend during the course of that day and I entirely agree with much of what he said.

Mr. Ken Purchase (Wolverhampton, North-East) (Lab/Co-op): I urge my right hon. Friend the Chancellor to continue with his present economic policy, remembering the chaos brought about by the Lady Thatcher Government through the cuts that they introduced in the immediate post-1979 period. Looking to the future, will he resist the idea that he should commit to an overview of the

future years, given that the Conservatives are simply looking for legitimacy for the planned cuts that they wish to announce?

Mr. Darling: My hon. Friend is quite right. Under the Conservatives, there would be cuts now followed by more cuts later. He is also right to say that they are looking for cover for what they have always wanted to do and for what they have always done.

Adam Price (Carmarthen, East and Dinefwr) (PC): Given that the Calman commission in Scotland and, last week, the Holtham commission in Wales have now produced their reports on the Barnett formula, will the Government publish their factual paper on the formula, which was first promised in January 2008?

Mr. Byrne: As the House will know, another place is looking in some depth at the whole question of the Barnett formula and how it should operate in the years to come. We will look very closely at what emerges from the Holtham commission, too. The next real bit of news will be the report from the ad hoc committee that was set up in another place.

Hugh Bayley (City of York) (Lab): It is right for our Government to have a commitment to gaining the same sort of benefit for Britain from the new technologies to limit carbon emissions as we gained from manufacturing in the industrial revolution. My right hon. Friend the Chancellor, in replying to the hon. Member for North Southwark and Bermondsey (Simon Hughes), said that he had introduced measures in the Budget. Has he any estimate of the number of jobs that might result from these measures to develop new low-carbon technologies?

Mr. Darling: I believe that there will be thousands of jobs created in the future through new green technology. That is all the more reason why we should resist calls to start cutting public spending now when public spending can be used to help our industries to compete in the future. That is another clear dividing line between the two sides in this House. We believe that Government have the power to influence things and to ensure that we can be at the forefront of these new industries, which will create thousands of jobs in the future.

Mr. Richard Spring (West Suffolk) (Con): Given the parlous state of the public finances and the need to borrow so extensively internationally, does the right hon. Gentleman not understand that the failure to bring forward a comprehensive spending review will make it even more difficult and uncertain to borrow from the capital markets?

Mr. Darling: No, I do not. If the hon. Gentleman looks at the international commentary and studies into our economy, he will see that most of them believe that what we do and what we are doing is exactly right and is in contrast to the policies that he and his fellow Conservatives advocate, which is to do nothing. I do not believe that that is a sensible thing to do at a time like this.

Andrew Mackinlay (Thurrock) (Lab): Will the Chancellor take this opportunity to amplify that which he uttered on television a few days ago about adequate funding for our armed forces in the Afghanistan conflict? Will he make it abundantly clear at the Dispatch Box now what funding is immediately available to our armed forces and what will be available in a reasonably immediate time scale—perhaps until the end of the year—so that there is no misunderstanding or ambiguity among all who are involved and all who are interested? Will he take this opportunity?

Mr. Darling: It is very important that we support our troops on the front line in Afghanistan and elsewhere. I can tell the House that in the year 2006-07, we spent £700 million on urgent operational requirements. That rose to £1.5 billion in 2007-08 and £2.6 billion in 2008-09. This year, we expect to spend more than £3 billion in support of our troops. Our commitment to our troops is essential, especially at this time when so many people are facing dangers—we have been reminded over the past few days of the tremendous sacrifice that has been made by so many people, not just for Afghanistan but for this country, too.

Mr. Nigel Evans (Ribble Valley) (Con): On Sunday, a constituent aged over 80 came to see me. He said that he was now receiving his 25p pension supplement, which he saw as a gross insult. It does not even buy a pint of milk. When is the Chancellor going to sort that out?

Mr. Darling: I know that the hon. Gentleman is not the only Member of this House to have had constituents raise the question of the 25p age addition. However, I am quite sure that he took the opportunity to point out that his constituent received the increased winter fuel payment—something that his constituent would not have received had there been a Conservative Government.

Mr. Philip Dunne (Ludlow) (Con): With this being the final opportunity for the Chancellor to address the House before it resumes in October, will he rise at the Dispatch Box and apologise to the House and the British people for presiding over the precipitate decline in our public finances? It is the worst fall of any OECD country, and his is the worst record of any Chancellor, ever.

Mr. Darling: The hon. Gentleman is talking nonsense, and I suspect that he knows it. Like every country in the world, we are facing the severest downturn for well in excess of 60 years. The difference between this side of the House and his side is that, faced with that, we took action to support our economy and stabilise the banking system. We then made sure that we put money into the economy to help us get through this. Most other countries believe that that is the right thing to do. It is only the Conservative party in this country that has made it clear that, far from supporting families and businesses, it would make cuts this year, next year and the year after.

Fiona Mactaggart (Slough) (Lab): Can the Chancellor confirm that there will be extra resources for constituencies such as mine, where the number of children seeking primary school places exceeds the number of places available?

Mr. Darling: My right hon. Friend the Secretary of State for Children, Schools and Families has made it clear already that there will be a guarantee in place from this September. He keeps what schools require under review, so that we can ensure that we maintain our commitment to the children of this country.

Care and Support (Reform)

3.32 pm

The Secretary of State for Health (Andy Burnham): With permission, Mr. Speaker, I should like to make a statement on the care and support Green Paper "Shaping the Future of Care Together".

Last year, the country celebrated the 60th anniversary of the national health service, an idea that emerged from the post-war consensus on the need for a fairer approach to health care. Today, as the NHS has improved health and life expectancy, a new challenge has emerged and is becoming more urgent.

The challenge can be summarised in three simple but striking facts. First, male life expectancy is now 78 years, compared to just 66 in 1948. Secondly, there are now more over-65s than under-18s and, thirdly, whereas there were eight working adults per retired person in the 1940s, today there are just four. By 2050, that figure will fall to just two. So the debate that we face as a country is how to provide support, dignity and independence for all, in a care system that is fair, dependable and universal. Today's Green Paper starts that debate.

Half of all men and two thirds of women will develop care needs after the age of 65. In many cases, their needs are met informally by the silent army of carers and family members who work so tirelessly, often under great pressure, behind closed doors. I want to start by paying tribute to their huge contribution to our society, and stressing that everything that we are proposing today must build on the solid bedrock of support that they provide.

The challenge that we face is that many more people are now developing more serious needs that demand specialist care over the long term. A typical 65-year-old can expect to need care costing £30,000 throughout their life, but that average masks a huge range. For about a fifth of people, the figure is less than a £1,000; for another fifth, it is in excess of £50,000, and for those with complex, long-term needs—such as those with dementia—the costs can rise above £200,000. So the time has come to meet this difficult challenge, and to see whether we can establish a broad consensus about the best way forward.

A country is defined by how it cares for its older people, and we need to acknowledge that as a society we can do better. We need a care system that people can rely on, that does not penalise people for their prudence and that ends the cruel lottery of older people facing financial hardship because they happen to get dementia, for example, rather than cancer. We must also address the inconsistencies—the fact that two people with the same needs living in different parts of the country can have very different experiences of care.

So today we propose a new national care service, which would correct the flaws of the present system and establish core principles on which to base this new system. Those principles are universality, simplicity, prevention and fairness. On the first, universality, people have told us that they want a universal system that offers everyone a basic package of care and support. Under the national care service, people will get the reassurance and confidence of a universal system, with the security to plan for the future, and the certainty that, whatever happens, they will get help with their care needs. For the first time, everyone, regardless of their bank balance, would get some help to pay for their basic care; everyone would get the same entitlement wherever they live in the country; and everyone would get advice and information to help them to find the care that is right for them.

Secondly, we need a system that is much simpler for people to understand and use. A new standardised national assessment would mean that wherever people lived they could be confident that they would be treated the same way, and if they moved their entitlement would not change.

It is also time to say clearly that it is unacceptable and unfair for people to be denied any help to find the right services simply because they are over the current £23,000 threshold. Under a national care service, that practice will stop. Everyone will get information and advice, giving a clear point of entry into the care system and ongoing support to find the services that they need.

People also tell us that their experience is compromised by the fractured nature of care and support. A national care service must therefore build on the progress already made to break down boundaries between health, housing and care services so that people get the seamless, wraparound support that they need. In particular, it is time to make health and social care more equal partners, so that they can work together to put prevention at the heart of everything we do. We are therefore proposing a new entitlement to six weeks' reablement support for any older person leaving hospital with care needs as well as better co-ordination between housing and care, building on initiatives such as supported living, extra care housing, telecare and adaptations to homes or workplaces.

In this pursuit of higher-quality services, we must do more to improve the social care work force, raising their status as a profession, investing in front-line staff and sending out a clear message from this House today that we as a society place a value on what they do on behalf of us all.

Finally, there is the challenge of fairness. We need to create a system that is equitable for people of all generations and all backgrounds, and that shares out the risk and responsibility for care more evenly. Over the past 12 months, the Government have explored the full continuum of funding options—from completely private to completely state-funded. We rejected, on the one hand, a system in which everyone is responsible for paying for their own care, and on the other a 100 per cent. tax-funded system in which people of all ages contribute to the cost of the care service. In our judgment, the former would leave those on the lowest incomes stranded and those with high needs facing huge costs. The latter would saddle younger people with the lion's share of costs for older people's care, via higher taxes.

Instead, we are putting forward three options for consultation. The first is a partnership model in which both the state and the individual share responsibility for funding care. Everyone would get a set proportion—either a third or a quarter—of their basic care costs paid for by the state. They would then have to pay the remainder themselves. To fund this new entitlement, we will consult on plans to bring other benefits, for example attendance allowance, into social care funding. We would do this in a way that guaranteed that anybody currently receiving an affected benefit would continue to receive an equivalent

[Andy Burnham]

level of support. There would also be a progressive element to the partnership model. The less well-off would have a higher proportion paid for, while those on the lowest incomes would continue to get all their care for free.

The second option, a voluntary insurance model, is an extension of the first. People would get the same minimum proportion of basic care paid for through the national care service, but they could then choose to take out insurance against the cost of the remaining care, through either a state-backed insurance programme or a partnership between the state and private companies. Thirdly and finally, there is the comprehensive model. Under that model, everyone over retirement age would pay into a state insurance scheme, and would then get the full cost of their basic care met by the state. However, that would mean everyone over 65 making a contribution to the system, even though they may not ultimately receive any care.

At this stage, we are talking about the principle, rather than the detail, of those models, but to give the House a sense of the likely costs, and working with a £30,000 figure for the average cost of a person's care today, the partnership model would see someone paying between £20,000 and £22,500, although obviously some would pay a lot more and others a lot less. Under the insurance model, indicative figures suggest that people would pay a lump sum of between £20,000 and £25,000 for their cover. Under the comprehensive model, the figure could be somewhere between £17,000 and £20,000.

Under the insurance and comprehensive options, people could choose how to meet the costs. They could do so by paying a lump sum on retirement, by deferring their state pension, by paying in instalments during retirement, or by paying from their estate after death. In the longer term, we could develop a system whereby people who are still working could make regular contributions, so that they could pay their contributions on retirement.

These are radical and serious proposals. I recognise that many people care deeply about the issues that the debate raises, and we need a dignified discussion to do justice to their concerns. Such is the significance of the issues to every single person in the country that we would move forward only if a broad consensus were to develop around one or two of the options.

In conclusion, it is important that we do not flinch from this debate. A failure to act would mean a future of increasing pressure on services, a decline in the quality of care that we can offer the most vulnerable, and ever greater costs on the most unfortunate. That is not a prospect that I—or, I am sure, other hon. Members—wish to contemplate. I commend the statement to the House.

Mr. Andrew Lansley (South Cambridgeshire) (Con): I am grateful to the Secretary of State for making a copy of the Green Paper available to me an hour ago. Of course, there has been the usual ration of leaks; in this instance, they were mostly kites flown in advance. Ministers dithered for months on publishing the document. They seemed to spend most of the time between the planned spring publication and mid-July trying to get any of their kites to fly.

The Secretary of State has been wandering around the television studios this morning telling us that the standards of adult social care have gone down and down. He tells us how cruel the lottery of support for the elderly is. He tells us how unfair it is that people are forced to sell their homes to fund their long-term care. Which Government does he think has been in charge for the past 12 years? Which Government promised 12 years ago to stop people being forced to sell their homes to fund their long-term care? Which Government rejected the findings of their own royal commission? Which Government sidelined the King's Fund review? Which Government kicked the issue into the long grass in their 2007 spending review? Frankly, we do not need simply to start another debate. One debate always seems to roll into another with this Government. We need a decision, and we need serious, costed proposals to be the basis for that decision.

May I ask the Secretary of State where exactly he proposes that the funds should come from for the increased Government contribution to the costs of long-term care? If he is promising to provide a universal minimum care component, he must know how he will pay for it, so I have a simple question: what would be the additional cost to the taxpayer of having either a quarter or a third of basic care costs paid for by the state? I can see no evidence in the Green Paper of that crucial number. However, if Members look up page 108 of the Green Paper, when they can, they will find the following sentence:

> "For example, everyone might have a quarter or a third of their care costs paid for by the state."

There is a footnote to that sentence, and in this Green Paper, as in most Government documents, the footnote is the most important bit. That footnote says:

> "For the purposes of modelling the options, we have made assumptions about the level of funding that the state would put in, but these do not reflect a decision about central government investment in care and support."

In truth, the Government have not even published their assumptions about state funding.

When the Secretary of State comes to pay for the scheme, is he proposing to do so by cutting disability benefits? Can he confirm that he is proposing to scrap new entitlements to attendance allowance and other benefits to pay for the Government's contribution to social care? With reference to his voluntary insurance model, if the effective premium is some £20,00-plus per person, what is the Government's estimate of the likely take-up? By what means would the Government ensure that the risk pool is large enough to make the scheme effective? How can he avoid people opting into the system only if they are more likely to need care?

On the third option, the so-called comprehensive model, the Secretary of State surely means not comprehensive, but compulsory. Does he have any view as between voluntary and compulsory insurance? Is he in favour of compulsory or voluntary insurance?

I am sure the right hon. Gentleman will agree that we need national standards—some consistency of assessment. We have long argued for that, and of course there needs to be central Government support, but we do not need a nationalised social care service. It is surely a retrograde step to remove local government from the equation.

The Secretary of State spoke about the need for a consensus. If the Government were serious about that, they would long ago have consulted on costed options. All we have today is another document, long on options and short on costs and conclusions, published in the hope that it will see the Government through to an election, when it will no longer be their problem. That is not good enough.

Help the Aged has told us:

"The social care system is broken and . . . millions of older people are failed each year."

Four years ago we made it clear that there needs to be a partnership approach. We made it clear that we need a system whereby people can be sure that their care needs are supported, a system that raises the quality of care provided in people's homes as well as in residential and nursing care, reverses the decline in productivity in the social care sector, and ends the scandal of people being forced to sell their home or lose their lifetime savings simply because they are unfortunate enough to need long-term care. We will build a system that guarantees our older citizens the care and dignity they deserve.

Andy Burnham: I cannot be alone in finding the tone in which the hon. Gentleman introduced his comments disappointing. Older people watching the debate today will want not the usual slanging match, but a better and more serious debate about the serious proposals that we have put forward. They will also think that the Green Paper we issued today and the options in it deserve a hearing.

The hon. Gentleman says that that is not good enough, and suggests that nothing has happened. The Government have increased funding for social care by 40 per cent. It is fair to ask whether that would have happened if the Opposition had been in government. We have not been doing nothing. We have been investing in social care, and it is this Government who have put forward proposals to give people more control over that budget, giving them direct payments so that they can build and buy the kind of services that they want to live their life. That came from the Government, so it is not true that nothing has been happening.

The hon. Gentleman mentioned the royal commission. *[Interruption.]* He will recall that the royal commission failed to find a consensus about the way forward, contrary to what he said. The royal commission came up with a majority and a minority report. That, in itself, identifies how hard it is to take these issues forward. *[Interruption.]* There are no easy answers, and the subject should not be the stuff of straightforward tit-for-tat slanging matches in the House. We deserve a better debate about social care.

The hon. Gentleman asked me about additional costs— *[Interruption.]*

Mr. Speaker: Order. There is far too much chuntering from a sedentary position from those on the Opposition Front Bench. The hon. Member for Eddisbury (Mr. O'Brien) will have ample opportunity over a period to express his views from the Front Bench at the Dispatch Box, but he should not do it by sedentary chuntering.

Andy Burnham: The hon. Member for South Cambridgeshire (Mr. Lansley) asked me about additional cost to the taxpayer. The foundation of our proposals is the idea that our existing investment to help people to deal with the costs of care can be better spent by combining investment in social care with disability benefits, particularly attendance allowance. That is at the heart of our proposals today.

The hon. Gentleman also asked about the estimated take-up of the voluntary option, and there is a figure, albeit only indicative, of about 20 per cent. The trade-off with a voluntary option is that because fewer people may enter the scheme, the cost would be higher; on the other hand, under any comprehensive or compulsory option, people would not have the choice but the cost might well be lower. He asked whether I favour a comprehensive or compulsory option, and I believe that the option deserves a fair hearing. However, this is a Green Paper; we are putting forward three broad options for the country to debate, and it would be wrong to force the pace of that debate. I said very clearly at the end of my statement, if he was listening, that a broad consensus would need to develop in the country around one of those options before any one of them could be taken forward.

I was disappointed to hear the hon. Gentleman rule out, so early in this debate, the notion of a national care service, or of moving towards more national standards and entitlements in care. If he reads the Green Paper, he will see that we do not propose to remove the role of local government; we say that it would continue to have a crucial role to play in delivering such national entitlement to people in all parts of the country. However, he has leapt up with knee-jerk responses to the Green Paper. He has not come to the House with a considered response to the serious issues that it raises. It is the product of three years' work among a number of Departments, and it deserves a better hearing than the one that he has given it this afternoon.

Norman Lamb (North Norfolk) (LD): I thank the Secretary of State for early sight of the statement and the Green Paper. The truth is, however, that it comes 12 years too late. It is this Government's shameful legacy that they will leave office having failed to reform a system that the Secretary of State himself has described as a cruel lottery. The former Prime Minister said that he did not want

"a country where the only way pensioners can get long term care is by selling their home".

Yet 12 years on, nothing has changed; in fact, it has got much worse. Many elderly people have been left with inadequate care as criteria for care have been tightened and charges increased. Now we have a set of ideas that cannot be implemented this side of a general election, and the real risk is that the issue will disappear again into the long grass.

There are principles in this Green Paper which we welcome. The Liberal Democrats have called for a universal entitlement, a focus on prevention and the availability of advice and support. We support the idea of an entitlement to six weeks of reablement following discharge from hospital, and we absolutely support the importance of giving carers and care workers much more respect and the dignity that they deserve. We pay tribute to their work in very difficult circumstances.

On the voluntary option, will the Secretary of State publish the assumptions about take-up to which he referred? Does he accept that with both the voluntary

[Norman Lamb]

insurance model and the comprehensive model, there is bound to be a short-term funding shortfall? Will he rule out any increase in national insurance or council tax to pay for it? Will he publish all the costing documents? If we are to build a consensus, that is surely necessary. What happens to the current generation of retired people—those who are well over retirement age? Will they be able to make a payment into a voluntary scheme? And what about people with existing care needs? What about their circumstances?

Given the risk that the issue could be pushed into the long grass, and given that no one will have any confidence in a Conservative Government facing up to these real challenges, will the Secretary of State establish without delay a cross-party commission, in the style of Lord Turner's pension commission, to achieve consensus and, crucially, to commit any incoming Government to urgent reform? Surely we owe it to those with care needs to stop the talking and act now.

Andy Burnham: In response to the hon. Gentleman's final point, we are publishing these proposals today because we do not want this debate to go into the long grass.

Picking up on the welcome spirit of some of the hon. Gentleman's remarks, I take it that he may be interested in working with us on some of these options to see whether we can build a consensus around them. I welcome his support for some of the principles and specifics, such as reablement care and the importance of the social care workforce. We do not spend enough time in this House talking about the importance of the social care workforce and how we can invest in their professional development and recognise the huge contribution that they make. They do some of the least glamorous work in our society, and yet all our families depend on them, including mine over many years. They provide services that are crucial to our families, and we thank them for it.

I reject the hon. Gentleman's main allegation—if I may put it that way—that this is all 12 years too late. This Government have been investing in improving social care over the past decade; it is not true that we just sat back and have done nothing. We have put some £520 million into Putting People First, the scheme to give more personal control over social care funding. We were the first Government to bring in a national carers strategy, which had a whole range of measures to help carers, recognising the invaluable work that they do for the country. More recently, we published a dementia strategy, with £150 million attached to its introduction. All that is underpinned by a 44 per cent. increase in social care funding from this Labour Government. I do not think people would believe that a Conservative Government would have put anything like that level of funding into social care.

The hon. Gentleman said that I acknowledged that the current system was not good enough. I say that absolutely explicitly. I do not believe that we are doing as well as we might by older people, and I was hoping that collectively we may work to develop a consensus on proposals to do better. Conservative Front Benchers have already ruled that out, but I hope that at least we and the hon. Member for North Norfolk (Norman Lamb) can work together to address it.

On some of the specifics that the hon. Gentleman raised, the estimated take-up of voluntary options will be in the impact assessment published alongside the Green Paper. Obviously, the figures that we gave are broad, but they give an indication based on international experience.

We have ruled out increasing national insurance contributions because we felt that it would not be fair to the working-age population of today to put all the costs of care on to them. We think that a fairer approach is the partnership that underpins all three options that we have put forward.

The hon. Gentleman asked whether we would continue to deal with the existing care needs of people already in retirement. I can assure him that if we were to bring forward a White Paper with more detailed proposals, it would reflect the fact that some people would already be past the age of 65; that would have to be borne in mind.

Ms Patricia Hewitt (Leicester, West) (Lab): I warmly welcome the substance of my right hon. Friend's statement and the spirit in which he made it. As the Government take forward the debate on the three funding options that they have put forward, can he assure me that they will also continue to build on the excellent work that has been done with personal budgets and direct payments so that people receiving help with their care needs will continue to get as much choice and control as possible over the way those services are given to them?

Andy Burnham: I thank my right hon. Friend for her comments. I pay tribute to her for the work that she did when I served as her deputy in the Department of Health to introduce direct payments, which were controversial at the time but are now widely regarded as the right way to give people control and choice over the care services that they receive. I want to give her the clear assurance that any development of a national care service will take as its foundation that vision of social care, where the individual is empowered and able to bring in services to support them in living independently and having the best quality of life that they possibly can in retirement.

Several hon. Members *rose—*

Mr. Speaker: Order. A further 24 Members are seeking to catch my eye. As ever, I would like to accommodate as many as I can, but I am looking to each hon. or right hon. Member to ask one brief supplementary question, and of course to the Secretary of State to provide us with a pithy reply.

Mr. Stephen Dorrell (Charnwood) (Con): May I invite the Secretary of State to respond to his own challenge to rise above the party political ding-dong and recognise that if we are going to address this issue seriously, we first have to ask whether any additional Government funding is available for any of the solutions that are canvassed at the end of the Green Paper? It is the absence of additional Government funding that has prevented the emergence of consensus at earlier stages. Did he say—I think I heard him say this to my hon. Friend the Member for South Cambridgeshire (Mr. Lansley)—that no additional funding would be available from any source for any of the funding options?

Andy Burnham: I can explain to the right hon. Gentleman that I said clearly in answer to his colleague that we would better spend the existing resources that we put into supporting people with care needs. There is no commitment to additional funding, but what we are saying is that the additional funding could be brought into the system through the range of proposals that we have put forward. The right hon. Gentleman is somebody for whom I have great respect in this area, and is a predecessor of mine in this job, so I hope that he will give the proposals that we have put forward today a hearing. I believe that they deserve a fair hearing, and as I have said, we would do a great service by older people if we could reach consensus throughout the House.

Mr. David Blunkett (Sheffield, Brightside) (Lab): Does my right hon. Friend agree that the army of family and informal voluntary carers to whom he paid tribute at the beginning of his statement require not only support but an enhancement of the number of people encouraged to give time, energy and commitment, including in retirement, to keeping glued civil society together? Will he therefore consider issuing at the point of retirement a pack containing details of how those going into retirement and remaining healthy can get in touch with voluntary and statutory organisations that could help them to use their time and talent to the betterment of others?

Andy Burnham: I certainly recognise from my own family experience, as I am sure other hon. Members do from theirs, the intolerable pressures that carers and families face at times in trying to meet the care needs of loved ones and relatives. I say again that we are all indebted to the efforts of carers up and down the country, and that any visions for the reform of care and support must be based on the idea that families and communities continue to look after one another. A basic concept of neighbourliness and obligation to one another is the bedrock on which any system must be based.

My right hon. Friend's suggestion is good, but we will also need to draw on the support of the voluntary and charitable bodies in the sector that provide wonderful support to older people. I will explore the proposals that he has made with that in mind.

Jeremy Wright (Rugby and Kenilworth) (Con): The Secretary of State referred to the wish to see a system that "ends the cruel lottery of older people facing financial hardship" because they happen to get dementia rather than cancer, for example. I applaud that sentiment, but he must know that one of the main reasons for that distinction is that those who have dementia are considered to have social care needs, not health care needs. In all the possible options that he has set out, extra finance will be required from a person who needs dementia care. Will he look again at that distinction?

Andy Burnham: First, I pay tribute to the hon. Gentleman, who I know takes great interest in the matter and has done very good work. I recognise the basic problem that he identifies, which is that some people with dementia get some help with the costs of their health care needs but not those of their social care needs. That is essentially the point that we are addressing in the Green Paper. We want to integrate services around those individuals and, as I have said, make health and social care more equal partners in providing support for an individual. None of us can really feel comfortable with the notion that those who develop the very highest care needs through dementia or Alzheimer's continue to pay £200,000 or more to meet their care needs in later life.

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): I very much welcome the clarity and certainty that the Secretary of State today offers care services users. Will he ensure that the debate on the options for payment also covers the sorts of services that should be available as part of the universal option so that individuals know who is paying for their care and what it entails? Above all, they should be in control of their care and managing their own budgets.

Andy Burnham: My hon. Friend makes an important point. I pay tribute to her as chair of the all-party group on social care and for her work on the subject down the years. She congratulates us on the clarity of the options. It would have been easier to pick up on some of the points that Opposition Members made and produce a timid and bland Green Paper, which was high on analysis and short on concrete options. With the Minister of State for Care Services, we have decided not to do that, but to put some serious options on the table, with all the risk that that entails. Very serious proposals for reform are not without risk, but if politicians are not prepared to take it, we will continue the drift and the delay, and we will not address the issues in the long term. If we are to build consensus for one of those options, there needs to be clarity about what people get for what they put in. My hon. Friend the Member for Blackpool, North and Fleetwood (Mrs. Humble) will see that the Green Paper spells out a clear vision for prevention, reablement and giving people the maximum ability to lead a full and independent life for as longas possible.

Sir George Young (North-West Hampshire) (Con): Much in the Secretary of State's statement can be welcomed, particularly the sentence, "It is time to make health and social care more equal partners." Does the right hon. Gentleman accept that, in the past 12 years, the national health service has had a much more generous deal than social care and that, in many parts of the country, social care services departments are under real pressure? Does he also accept that, whatever the option chosen, we need a step change in support for social care simply to meet the needs of demography?

Andy Burnham: I thank the right hon. Gentleman for his comments, but that is the logic of our proposals. However, unlike the national health service, the basis for funding social care will have to come not from taxation but from a partnership between the state and the individual, and the new resources will come from one of the three options that are proposed. I am grateful that he picked up on the sentence that he cited—I carefully inserted the notion of health and social care as more equal partners. It is not possible to say that they are equal partners today. Alongside the debate, we need to focus seriously on improving quality, and the calling of social care as a profession. I very much hope that someone with the right hon. Gentleman's authority will add to thatdebate.

Mrs. Ann Cryer (Keighley) (Lab): I wonder whether my right hon. Friend feels that the options that he has given this afternoon, which I appreciate, will help some of my constituents in care homes, who are being cared for by people with little knowledge of how to care for elderly people? Many of those carers have no or very little English, possibly because they are paid the basic minimum wage and because some—only some—care home owners are interested only in profit making rather than caring.

Andy Burnham: My hon. Friend makes a powerful point. It is important to send out a message from today's statement that we want a debate about social care and its status, and to take it more seriously. We could do that if we could bring in more resources for providing services for older and disabled people. My hon. Friend makes an important point. I said in my statement, and I repeat, that carers do some of the most important work, on which we all depend, yet the message that they get from society in terms of what they are paid may not always reflect that.

Mr. Paul Burstow (Sutton and Cheam) (LD): Many people outside the House who have followed for many years the issue of how we pay for long-term care will experience a terrible sense of déjà vu about the statement. Will the Secretary of State please "not flinch", as he said himself, and set out the timetable that he intends to follow for making decisions about the public expenditure implications of the proposals and, more important, for introducing his plans at the Dispatch Box?

Andy Burnham: If the hon. Gentleman will forgive me, I do not think that he can claim déjà vu because we have not previously had a Green Paper that puts serious Government proposals for care on the table. We had a royal commission, but as I said to the shadow Health Secretary, it did not identify consensus on a way forward. What I have announced today is new territory. We want a serious debate, and the hon. Member for Sutton and Cheam (Mr. Burstow) can help us build consensus. It is right that, if we can reach consensus about the debate, the subject should become a serious issue of consideration at the next general election so that the public can choose the party that has the best solution to the serious and long-term challenges.

Mr. Parmjit Dhanda (Gloucester) (Lab): May I associate myself with the remarks of my right hon. Friend the Member for Sheffield, Brightside (Mr. Blunkett) about family members? Taking that on board, will my right hon. Friend the Secretary of State consider a fourth option for family members, by using either tax relief or grants to support the building of granny annexes, in order to allow family members to keep the capital gain, to save the Government money and to create a far more caring culture in our country?

Andy Burnham: That is a very good point, but it is already the case that people can use personal budgets to help to offset the costs of family members as my hon. Friend describes. However, I encourage him to work up his ideas. Given that we have tabled three serious options, I am not ruling out others. As I said to my right hon. Friend, it is very important that we recognise, encourage and incentivise the role of the family community in this debate.

Mr. David Curry (Skipton and Ripon) (Con): Care of the elderly is sometimes the hidden and often the unrecognised industry in my constituency and hundreds of others, but it cannot be delivered without a vigorous private care home sector. Will the Secretary of State recognise that the Government have their role to play in ensuring that they do not load costs on to that sector—for example, through the minimum wage or holiday entitlement—knowing that, in the decade of public expenditure austerity that we are about to enter, they have no hope whatever of recovering those costs from local authorities?

Andy Burnham: I am troubled by the right hon. Gentleman's remarks. If he is saying that the minimum wage or the standards that we introduced in care homes in the Care Standards Act 2000 have not helped to improve the quality of care, I would take issue with that very strongly. If he is also saying that care staff should not have basic entitlements to holiday, how will being run off their feet, not getting a proper break and not being properly paid enable them to give better quality care to older people? I find the logic of his question completely wrong, but I do accept that the private care sector has a huge role to play in delivering the vision that we have set out in the Green Paper.

Nia Griffith (Llanelli) (Lab): I very much welcome my right hon. Friend's announcement about the national care service and, in particular, the fact that he has been so explicit about the thorny issue of costs. Indeed, one of my predecessors, Jim Griffiths, would have been proud of this reform, which is the equivalent of his type of reform. However, the announcement obviously covers reserved matters and devolved issues. What talks has my right hon. Friend had with Welsh Assembly and Scottish parliament Ministers about how the reforms will work out in Wales and Scotland?

Andy Burnham: I am grateful for the generous welcome that my hon. Friend has given the Green Paper. Obviously any reform of benefits would have implications for the devolved Administrations. My hon. Friend the Minister for Care Services has had discussions with counterparts in the Welsh Assembly and we will continue to do that. However, the proposal in today's announcement is for England. The national care service would apply in England only, although we would encourage the Welsh Assembly to go down a similar route if it wanted to.

Mr. Peter Bone (Wellingborough) (Con): The Secretary of State has been very courageous with his proposals, particularly in suggesting that social care will be funded in future partly by the state and partly by private insurance. He also suggested a link with health. Does he see the future expansion of the national health service being partly funded by private insurance?

Andy Burnham: I am grateful for the hon. Gentleman's generous comments. I know that he has proposed some fundamental options about the privatisation of the national health service. That is not something that I would ever contemplate in this role, although we are saying that the funding of care and support should be on a different basis from the funding of the national health service.

Malcolm Wicks (Croydon, North) (Lab): Given that this has been a growing issue for hundreds of thousands of families for at least 25 years, and given also that we should acknowledge the cross-governmental failure to grasp the nettle of long-term costs, will the Secretary of State agree to be at least as bold as William Beveridge was in 1942, when he looked at the risks facing early post-war society in a radical way and came up with ambitious programmes that, by and large, have stood the test of time?

Andy Burnham: I must pay tribute to the huge experience and authority that my right hon. Friend brings to these matters, and to his long experience of social care in this country. If he reads the Green Paper, he will find the same boldness in this debate. The issues are similar, in that we are asking people to consider whether a system of mutual support is better than the status quo. The debates that were in play during the creation of the welfare state are very much alive now and at the heart of this debate. How far we go will obviously depend on how much support each option attracts in the country, and I hope that my right hon. Friend will join us in ensuring that the debate is a vigorous one.

Mr. Nigel Evans (Ribble Valley) (Con): There are more than 6 million carers out there, including family and friends, and 1 million of them look after more than one person. Fortunately, we have in our constituencies organisations such as Crossroads, which look after the carers and recognise that they have health needs themselves. What more can be done to support those who care for the carers?

Andy Burnham: The hon. Gentleman is right, and Crossroads is a wonderful example; I know the organisation well. Of course there is always more that we can do. The carers strategy was an innovation, and it has recently been updated and comes with a significant investment alongside it. We can never be complacent about what we do to help carers. However, my basic argument today is that if we can improve the services that older people receive, we can relieve the pressure on the carers and enable them to do more.

Ms Dari Taylor (Stockton, South) (Lab): I warmly welcome and support my right hon. Friend's statement today, but I would say to him that this area of policy is seen by all as being incredibly complex. It is invariably individual in nature, and its complexity can leave families with the most crippling problems. Will he assure the House that everyone's contributions to the consultation—including those of organisations representing the elderly and of families who care for the elderly—will be listened to? Will the consultation be publicised as much as possible, so that we can hear what all our people are saying?

Andy Burnham: My hon. Friend raises an important point. A positive development alongside the publication of the Green Paper will be the formation of a care alliance involving 31 national organisations representing the whole breadth of opinion in this area. We need to empower them to take the debate out to their members. My hon. Friend is also right to say that the lack of simplicity in the current system diminishes people's understanding of the issues. We need a much clearer system in which people get more help to understand what is available to them, regardless of their background or their needs. Any proposals for reform must have that consideration very much at their heart.

Dr. William McCrea (South Antrim) (DUP): I am sure that the Secretary of State appreciates the fact that, across the United Kingdom, many people are concerned about growing old and feel vulnerable when they consider what care is going to be available for them. It is certainly unacceptable to force them to sell their homes to pay for their care. Speaking of national care services, is it not imperative to hold meetings as soon as possible between the Department of Health and the devolved Administrations, Northern Ireland included?

Andy Burnham: Of course, and we will continue our discussions with Michael McGimpsey and others in Northern Ireland. Perhaps we can learn from the system in Northern Ireland, which has always had much closer integration between health and social care. The hon. Gentleman is right to say that we want a system that will prevent people from having to sell their homes; that is a basic unfairness that we want to end. The current average cost of care is £30,000, and each of the three options that we have put forward today comes in at less than that amount. That is why we feel that they are doable and that they could possibly be made attractive to people. However, it is important that we have the broadest possible debate, not just in England but across the UK, about the choices that we all face in an ageing society.

Mr. Gordon Marsden (Blackpool, South) (Lab): Blackpool has above-average numbers of older people and care homes, and my constituents will be grateful for the breadth of vision and the sensitivity that my right hon. Friend has demonstrated today—compared with what has been rather sour waffle from the Opposition Benches, I am sorry to say. He has talked about the need to strengthen the role of social care staff. Will he tell us what opportunities there will be in the consultation to look at issues such as greater skills for social care staff and greater flexibility for them to visit people in the given time? At the moment, for example, travel time is not included in their working hours.

Andy Burnham: On my hon. Friend's first point, the investment in the work force is vital and the social care skill set is crucial. We have already begun work on that in the Department. Again, we want to take any new resources in the system to develop what we are doing further. On his point about the tone and nature of the debate, I think that on this particular issue we have to do better across the House than we usually do and ensure that we do not reduce the debate to a simplistic slanging match. It is important to give these issues the serious airing and hearing they deserve. We will do a greater service to older people by identifying a way forward between us that, if not ideal for everybody, at least provides a workable compromise that will make things better than they are today.

Bob Spink (Castle Point) (Ind): The right hon. Gentleman is absolutely right to bring these bold options before us for the longer term and to have a genuine debate, which is long overdue. Does he accept that we urgently need,

[Bob Spink]

right now, to look at how social services assess care and ensure that frail people, perhaps those who have suffered a stroke, are not charged for what should be viewed as health care rather than social care? That needs to be looked at for the people who are currently in care, too.

Andy Burnham: I understand the hon. Gentleman's concern. We have been revising the guidance to local authorities. As pressure has grown on local social services down the years, they have focused more and more on people with the highest needs, leaving lots of other people who desperately need help unable to access it. In revising the guidelines, we have put more investment—an extra £500 million—into the system. Any measures in the interim would be only preparatory to the major debate we are initiating today.

Lynne Jones (Birmingham, Selly Oak) (Lab): The Tories oppose the national health service, so it is not surprising that they oppose the national care service. The current lottery of life, under which one in three who develop a severe condition lose everything and the rest keep their wealth intact, is unfair and should not be tolerated in a civilised society. I favour an approach of solidarity. Should we not go out and advocate the comprehensive approach, which also seems to be the lowest-cost option, and develop a groundswell of public opinion behind that option so that no future Government can ignore it?

Andy Burnham: The challenge here—my hon. Friend puts it very well—is not just about what I put in and what I get out. We all have to look at our own extended families and recognise that across them there will be a range of care needs and that we have a mutual obligation to each other within our families and to others who, as she says, can face the calamitous cost of care if they develop the most serious needs. I note her support for the comprehensive option. If she would like to go out and bang the drum for the comprehensive option, she is absolutely entitled to do so and there is a very respectable argument in favour of it. People will need illustrations of how it could be made manageable. We have set out in the Green Paper various options on how people might pay either for the comprehensive or the voluntary option—by deferring the state pension, paying through retirement or paying after death. Those are the issues to be debated. If my hon. Friend is offering to join the debate, I wholeheartedly welcome it.

Laura Moffatt (Crawley) (Lab): Does my right hon. Friend agree that we in the House have a duty to get out there and consult people? Will he ensure that he and his team are available to receive representations from our constituents so that we know that the consultation will be full and that we will be able to stand by it?

Andy Burnham: For any MP who would like it, we would endeavour to set up a local forum in which these issues could be properly debated with informed speakers so that we can have a quality debate at the local level, too. We want to give people the depth of information for which they are looking. These are difficult issues and it is not always easy to take them on. In my view, however, MPs can play a crucial role in informing their constituents and helping them to make a choice about what they think is the right way forward not just for Crawley, but for the country as a whole.

Mr. Ronnie Campbell (Blyth Valley) (Lab): How will my right hon. Friend's proposals help older people in Northumberland, where the leading Liberal Democrat-controlled council has set a policy of closing all old people's care centres and sacking all the workers in them?

Andy Burnham: I cannot say that these proposals will help in the short term, but that is not what we want to see in the future. Under any of the options that we are presenting, there will be a basic national entitlement. One of the unfairnesses of the system is that some councils withdraw money from social services in order to spend it on other priorities. That can leave some of the most vulnerable people in society with unmet needs, which should not please any of us.

Geraldine Smith (Morecambe and Lunesdale) (Lab): The mark of a civilised society is how well we look after the sick, old and vulnerable. This Government have done much to look after the sick. People can now obtain operations when they need them rather than having to die waiting for them, so they have a chance to grow old.

I welcome the statement, which is long overdue. I appreciate the reasons for that—the Government had a lot to deal with when the national health service was left in crisis—but we must now move as quickly as possible. This is a priority for many of my constituents, and for people all over the country. Can the Secretary of State assure me that the consultation will be genuine and the strategy will be introduced quickly?

Andy Burnham: I think that the Government have put the national health service back on its feet, and that people can take confidence from that and believe that we can build a fair national care service. I take my hon. Friend's point about the need for speed. As she said, the statement is long overdue, and I accept that people have waited a long time for our proposals. However, I can assure her that we do not intend to back off or flinch. We want to ensure that there is a good debate, leading to a White Paper before the general election. It is about time that these issues were seen as a serious matter of choice and subject for debate, as I hope that they will be during any forthcoming general election campaign.

Kelvin Hopkins (Luton, North) (Lab): The royal commission recommended free long-term care for everyone, paid for out of progressive taxation. I supported that view absolutely at the time, and I support it absolutely now. Moreover, opinion polling at the time showed massive public support for it—up to 80 per cent.—and I am sure that the position is the same now. I tabled two early-day motions calling for free long-term care, which were signed by more than 100 Members, mostly Labour. I can tell my right hon. Friend that I shall continue to campaign on that basis, and that I hope he will accept it as an additional option.

Andy Burnham: I welcome my hon. Friend's contribution to the debate. Nothing rules out his campaigning for that particular option, but we have ruled it out because

we do not feel that it would be fair between the generations to ask the working-age population today to continue to provide all the costs. We think that a partnership approach is fairer to all, given that many people of working age face considerable pressures in relation to housing and all the costs of bringing up families. We feel that our proposals represent a fairer spread of the burden across the whole population, but of course my hon. Friend is entitled to argue for a different approach in his constituency.

Fiona Mactaggart (Slough) (Lab): On Friday I spoke to an elder constituent who was contemplating suicide as her savings ran out. This morning I received a thank-you card from her which read: "I now feel there is light at the end of the tunnel. When I start getting anxious again I shall remember your words 'Eat your house.'" The good thing about today's statement is that it gives older people a better option than eating their house, and gives others a better option than using it to pay for care for the elderly. Will the Secretary of State ensure that those anxious people are informed at every stage about how he conducts the debate, rather than its taking the form of an air war, as it is already doing in the Chamber?

Andy Burnham: I strongly agree with my hon. Friend. People do become anxious about these issues. That is why I said at the outset that I hoped we could manage a better debate than we normally manage, because such an important issue deserves it.

Perhaps my hon. Friend can relay this to her constituent. Both the voluntary and the comprehensive option would provide people with a pathway to protect their assets, savings and houses in retirement. That may indeed give light at the end of the tunnel, not just for my hon. Friend's constituent but for many other people who genuinely feel anxious and seek peace of mind in their later years.

Mr. David Anderson (Blaydon) (Lab): I return to the point made by the right hon. Member for Skipton and Ripon (Mr. Curry). Staff are the key to delivering this service. If we go back to what happened in the 1990s, when compulsory competitive tendering and privatised care homes were introduced and training and other budgets were cut, we will be unable either to recruit or to retain quality staff. The one way to make sure that the system falls apart is to follow the programme that the Conservative party followed 20 years ago.

Andy Burnham: It was quite astonishing that one of the Conservatives' proposals as a way of helping with social care was to end the minimum wage in care homes and the existing terms and conditions of social care staff. In more recent days, the shadow Health Secretary has been proposing the abandonment of national pay structures in the health service, so I think we know where they stand on these matters. Investing in and respecting the work force, and understanding how a motivated and well-rewarded work force provide a quality service to the public, has got to be at the heart of any proposals for change.

Mr. Edward O'Hara (Knowsley, South) (Lab): I congratulate my right hon. Friend on introducing this long overdue Green Paper, and on his obvious commitment to the subject in his presentation and answering of questions today. May I put it to him that one part of his statement is not negotiable—is not an option? He talks about improving the quality and status of care staff, and without that, we will have a framework, not a system that delivers a national care service.

Andy Burnham: I thank my hon. Friend for his generous comments. Through him, I pay tribute to the good people of Knowsley, who have led the way in this area down the years. The Minister for Care Services was in Knowsley just last week looking at the fantastic work done by health and social care staff in integrating services. They genuinely—I know we say this a lot, but in this case I mean it—offer a model for others to follow. I am happy to endorse what my hon. Friend the Member for Knowsley, South (Mr. O'Hara) says: without investment in the staff, we do not have the basis of a national care service. We can learn from how we have offered a better career progression for staff in the national health service, and transfer some of those principles to improving the social care work force. That is not to say that today we do not respect what they do; we do, but I do not believe they get the recognition for what they provide in all our communities and to all our families.

BILL PRESENTED

Government of Cornwall Bill

Presentation and First Reading (Standing Order No. 57)

Dan Rogerson, supported by Matthew Taylor, Mr. Colin Breed, Andrew George, Julia Goldsworthy, Willie Rennie, Andrew Mackinlay, Hywel Williams and Mr. Angus MacNeil, presented a Bill to establish and make provision about the Cornish Assembly; to transfer functions and powers to the Assembly; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 16 October, and to be printed (Bill 132).

Criminal Injuries Compensation Scheme (Review)

Motion for leave to introduce a Bill (Standing Order No. 23)

4.33 pm

Mr. Frank Field (Birkenhead) (Lab): I beg to move,

That leave be given to bring in a Bill to establish a Commission to review the operation of the Criminal Injuries Compensation Scheme and to make proposals for amendments to the scheme.

I rise to introduce a Bill to review the criminal injuries compensation scheme. It is a very small Bill about a very big issue: the impact of the 7/7 bombings on a number of our constituents. Its co-sponsors have constituents whose bodies were cruelly torn asunder by the bombs that were placed on 7/7. One of my own constituents, Andy Brown, whom I will discuss in a moment, wishes me to make the point that despite the incredible work of our security forces, we ought to work on the assumption that perhaps one day, the bombers will get through again and the victims of 7/7 will be joined by others of our constituents who will be equally badly mauled by the bombs of evil men who only wish us harm.

It is clear that this House does not have the power to re-create the bodies of those constituents into the form they took during the moments before the bombs went off; nor do we have the power to touch them and heal their emotions. What we can do, of course, is to put them back into the financial position they were in before these evil men set off the bombs. In other words, we can fully compensate them for the financial losses that they have incurred as a result of the 7/7 bombings.

Currently, our constituents qualify under the criminal injuries compensation scheme, which has a cap of £250,000. To many of us, that probably sounds like a huge sum of money, but when I met my constituent who was partly blown asunder by the bombers, I asked him about the financial costs of trying to repair his life. I did not immediately visit him in hospital, because I thought that the last thing he would want to see was his MP, but I have since come to value his friendship and that of his wife, Jan. I pay tribute to the way in which he has valiantly surmounted the horrors that have been inflicted on him. I asked Andy and his wife what sum they needed to put them back into the position they were in before the bombs went off. I asked about their housing needs, and whether Andy's career would be affected, despite all the efforts that he has made to regain it. I asked about the cost to Jan, who is about to launch her own career as a teacher, and the effect on the couple's pension position. It was quickly clear that the bill was way beyond the £250,000 maximum payable under the criminal injuries compensation scheme.

The Bill therefore seeks the permission of the House to establish a review, to report to the Justice Secretary by the end of the year, of how we can reform the criminal injuries compensation scheme to remove the cap for those victims of terrorism who are subjects of this country, whether the terrorist outrage occurs here or abroad. One would hope that the review would also suggest how we might pay for that small extension, in global terms, of the scheme. I hope that the review would take the line that my right hon. Friend the Member for Croydon, North (Malcolm Wicks) suggested on community care, rather delphically—that these are risks that all of us might wish to insure against. We should do so collectively, and share the costs, because that makes them very small, but they are very important for some of our constituents.

All the hon. Members who are sponsoring the Bill have constituents who were physically affected by the bombers' actions on 7/7. An early-day motion is being tabled today so that other hon. Members from both sides of the House who wish to support the Bill can request the Justice Secretary not to wait for Royal Assent but to set the review in hand now, so that it may report before Christmas, so that after that date we can have a criminal injuries compensation scheme that fully meets the extra financial costs suffered by those people who were physically so impaired by the evil actions of the bombers on 7/7.

Question put and agreed to.

Ordered,

That Mr. Frank Field, Mr. Ian Taylor, Susan Kramer, Dr. Tony Wright, David Tredinnick, Mr. Andrew Dismore, Mr. Jeffrey M. Donaldson, Sandra Gidley, Kate Hoey, Mark Fisher, Mr. Nicholas Soames and Lynne Featherstone present the Bill.

Mr. Frank Field accordingly presented the Bill.

Bill read the First time; to be read a Second time on 16 October 2009 and to be printed (Bill 133).

Borders, Citizenship and Immigration Bill [Lords]

[Relevant Documents: The Ninth Report from the Joint Committee on Human Rights of Session 2008-09, Legislative Scrutiny: Borders, Citizenship and Immigration Bill, HC 375, and the Seventeenth Report from the Committee, Government replies to the Second, Fourth, Eighth, Ninth and Twelfth Reports of Session 2008-09, HC 592.]

Consideration of Bill, as amended in the Public Bill Committee.

New Clause 2

SHORT-TERM HOLDING FACILITIES

'In section 147 of the Immigration and Asylum Act 1999 (c. 33) (removal centres and detained persons: interpretation), in the definition of "short-term holding facility"—

(a) after "used" insert "—(a)", and

(b) at the end insert ", or

(b) for the detention of—

(i) detained persons for a period of not more than seven days or for such other period as may be prescribed, and

(ii) persons other than detained persons for any period."'.—*(Mr. Woolas.)*

Brought up, and read the First time.

4.40 pm

The Minister for Borders and Immigration (Mr. Phil Woolas): I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Michael Lord): With this it will be convenient to discuss the following: Amendment (a) thereto, after 'detention', insert

'by an immigration officer, general customs official or Customs revenue official'.

Amendment (b), thereto, leave out 'for any period' and insert

'for not longer than six hours'.

Amendment 9, in clause 3, page 3, line 35, leave out paragraphs (a) and (b) and insert—

'(a) any officer transferred to the UK Border Agency from HM Revenue and Customs, or

(b) any UK Border Agency employee recruited for that specific purpose.'.

Amendment 18, page 3, line 36, at end insert—

'(ba) a police officer'.

Amendment 10, page 3, line 43, leave out subsection (3).

Amendment 11, in clause 11, page 8, line 4, leave out paragraph (a) and insert—

'(a) any officer transferred to the UK Border Agency from HM Revenue and Customs, or'.

Amendment 12, in clause 12, page 9, line 10, leave out 'or for a specified period,'.

Amendment 13, page 9, line 11, leave out from 'withdrawn' to end of line 12.

Government amendment 15.

Amendment 20, in clause 25, page 19, line 29, at end insert—

'(1A) The designation of short-term holding facilities must be renewed every six months.'.

Amendment 21, in clause 28, page 22, line 27, at end insert—

'(10A) The Chief Inspector of the UK Border Agency may delegate his responsibility to inspect facilities to Her Majesty's Inspectors of Constabulary.'.

Amendment 3, in clause 30, page 24, line 9, at end insert—

'(2B) Regulations made under subsection (1) or (2A) may make provision conferring functions on the Independent Police Complaints Commission in respect of the exercise of immigration and customs functions and the provision of services pursuant to arrangements relating to the discharge of those functions whether in the UK or overseas.'.

Government amendment 16.

Mr. Woolas: May I report back to the House on the deliberations of the Committee? I believe that we had comprehensive scrutiny, that we have improved the Bill even further and that, on the major matters, we have achieved consensus. There are, however, some outstanding issues. I shall deal first with the group of Government and non-Government amendments that deal with part 1, which are included in the first group on the selection list. The House will want to pay tribute later in the debate to Lord Kingsland, who has sadly been taken from us. His premature death this weekend was a terrible blow to all those who loved him and to this House and the other place. In the debate on citizenship and part 2 of the Bill, we will see even more of that. The Home Office is profoundly shocked by his death. He worked with officials in the Home Office for many years and he is a great loss.

This is a large group of amendments, so let me deal immediately with Government new clause 2, which goes with Government amendments 15 and 16, and describe their purpose and effect. The Liberal Democrat spokespersons, the hon. Members for Carshalton and Wallington (Tom Brake) and for Rochdale (Paul Rowen), are in their place and they helped the Committee, as did the hon. Gentlemen who speak for the official Opposition, the hon. Members for Ashford (Damian Green) and for Reigate (Mr. Blunt). They were both on the Committee and will wish to speak about their proposals.

Mr. Frank Field (Birkenhead) (Lab): Since we last discussed the Bill on the Floor of the House of Commons, the Government have published a document that is very important—"Building Britain's Future". In the section on immigration, they pledge that we will move to a points system for citizenship so that we break the link between people coming here to work and their automatically becoming citizens. My hon. Friend the Member for Mid-Sussex (Mr. Soames) and I chair the all-party group on balanced migration and we have been pushing for that. Does the Bill bring us up to date with the latest Government development?

Mr. Woolas: The Bill provides a beautiful tapestry on which the next proposals will be embroidered. There is a beautiful and symmetric logic to what we are doing, as I shall explain. I am sure that the hon. Member for Mid-Sussex (Mr. Soames) and my right hon. Friend the Member for Birkenhead (Mr. Field) will welcome the proposals. My right hon. Friend the Member for Redditch (Jacqui Smith), the then Home Secretary, made it clear on Second Reading that she thought that should the Bill be accepted by the House—it has cross-party

[Mr. Woolas]

support—it would provide a platform from which to move forward to the next stage of reform, which would be a points-based system for citizenship building on the points-based system for temporary migrancy for economic reasons. Indeed, the document "Building Britain's Future" to which my right hon. Friend referred makes it clear that our intention is to bring forward ideas for consultation on that point, precisely to address the proposed lack of a link between temporary and permanent migrancy, but it is important that we get this Bill first. Its citizenship element, although not the border functions set out in part 1, is a platform on which those proposals can be built.

4.45 pm

Mr. Field: I thank the Minister for that. Given his tapestry analogy, will he take a message back to the Home Office? If what he wants is not delivered, will he remind them that there are many hon. Members with long needles? We do want to aim them not at him but at other forces.

Mr. Woolas: My immediate thought is that we should not take the analogy any further. The Government are committed to that strategy, and we are working on the proposals. They do not lie within the scope of this Bill, but my right hon. Friend is right to point out that they have a strong relationship.

I turn now to new clause 2, which deals with short-term holding facilities. Government amendment 15 is consequential to it and removes clause 25 to make way for the new clause. Government amendment 16 makes the changes to the schedule that will be necessary if the House accepts the earlier amendments.

The purpose of the existing clause 25 that was inserted in the other place was to provide greater flexibility in the use of short-term holding facilities, and thus to maximise the use of these finite detention resources. In short, it was a management tool to secure greater flexibility and therefore the greater efficiency for the taxpayer that is always at the front of our concerns.

Short-term holding facilities fall into two categories—the residential facilities at Dover, Manchester, Harwich and Colnbrook near Heathrow, and the holding rooms at most ports and certain UK Border Agency offices. All are subject to a statutory maximum stay of seven days. At present, short-term holding facilities may be used to hold only individuals who have been detained for immigration purposes under UKBA's administrative powers of detention, and those who have been detained under section 2 of the UK Borders Act 2007, pending the arrival of a police officer.

By modifying the definition of short-term holding facilities, we are removing that constraint so as to allow other categories of persons to be held in those facilities. As a consequence, short-term holding facilities will be able to hold a range of individuals, subject to the prescribed periods of detention and protections relevant in each case. That could include individuals arrested in connection with immigration or customs offences, individuals detained under section 2 of the UK Borders Act 2007 as liable to arrest and pending the arrival of a police officer or, as now, individuals detained in detention under the Immigration and Asylum Act 1999.

Mr. Nicholas Soames (Mid-Sussex) (Con): I am grateful to the Minister for giving way, and I am particularly pleased by his reference to the exotic and beautiful tapestry that he is weaving for the benefit of our country. However, does he believe that the facilities that he is outlining will be man enough to cope with an annual inflow of about 237,000 people?

Mr. Woolas: Our policy is one of managed migration, and our intention is that we will be able to manage the numbers. The hon. Gentleman mentioned the figure of 237,000, and I think that that is the gross inflow—

Mr. Soames: It is the net inflow.

Mr. Woolas: The net inflow, I am sorry, but that is according to Office for National Statistics definitions with which the hon. Gentleman knows that I have some issues. In the main, our short-term holding facilities are used for outflows—if I can use that word in this context. We think that our estate has been significantly improved, and that it is still improving, in both capacity and fitness for purpose.

To continue the analogy with a tapestry, which I think that one embroiders rather than weaves, although I shall not dance on the head of a pin about that—*[Interruption.]* I am sorry, Mr. Deputy Speaker, that will be the last reference to a tapestry from this Dispatch Box.

The hon. Gentleman's serious question is whether we anticipate the numbers of migrants remaining roughly as they are or as increasing, and whether the policy is based on that. In this regard, we are talking mainly about the facilities that we have to enforce removals from the country. There are some facilities, of course, for holding people at the borders, especially at the airports. We have increased capacity, but that does not imply that we are expecting the inflow to increase. Indeed, I think that the points-based system and the proposals in the Bill will reduce the inflow, and of course the hon. Gentleman was referring to a net figure.

In each case, there will be no change to the existing time limits or, where relevant, the application of the Police and Criminal Evidence Act 1984. These technical Government amendments have been tabled at a late stage, and that is regrettable, but it has been pointed out—and we are grateful for that—that clause 25 could have had the unintended effect of making any place at which immigration detainees might be held for a period of seven days or less—including removal centres, prisons or police stations—a short-term holding facility. So leaving clause 25 in the Bill would have meant that such places were subject to the short-term holding facility rules rather than their appropriate statutory frameworks such as detention centre rules, prison rules and PACE. Indeed, removal centres could lose their status entirely and become short-term holding facilities instead.

Therefore, I ask the House to remove clause 25 by accepting amendment 15 and to replace it with new clause 2. We intend to replace clause 25 with a clause that not only achieves the objective of flexibility but does so without the adverse effects for other places of detention. The revised definition of a short-term holding facility in new clause 2 would allow such facilities to be used either solely for immigration detainees or for a mix of detainees and persons detained under other powers.

Pete Wishart (Perth and North Perthshire) (SNP): In increasing the period of this type of detention that some people will face, is the Minister satisfied with the quality of resources at the short-term holding facilities? There have been reports of inadequate facilities and lack of access to legal advice. What is he doing to improve the quality of those resources?

Mr. Woolas: I have of course looked into that point and I have read the reports, as the hon. Gentleman has. The reports from the independent monitoring boards are extremely helpful. I was able to address their conference in Bournemouth recently, not least to thank them for the work that they do. I genuinely believe that transparency and shining a light on the issues improves the situation, not least for the taxpayer. I am sure that he accepts the need to put the reports into context. Overwhelmingly, they are supportive, indeed congratulatory, of the work that the agency does, but that does not diminish the criticisms. We provide detailed responses to the reports, mainly agreeing with the recommendations and putting forward plans for implementation but where we disagree justifying that in terms of policy. I take a special interest in that. I think that the hon. Gentleman has asked parliamentary questions about the centres. Am I satisfied? Broadly, yes. Could matters improve? Some holding centres are perhaps a bit old, but we have a capital programme that is secure so yes, I am satisfied.

The new clause and amendments that I have tabled would mean that, in all cases, there was no change to the relevant powers of arrest and detention; I just reassure the House that there is no sleight of hand there. Also, there is no change to the statutory protections that apply in each case. I should just put on record that the detention of individuals arrested in connection with criminal offences would still be subject to the provisions of PACE and the associated codes of practice, including those on time limits in custody, even for those held in a short-term holding facility. Mr. Deputy Speaker, it may be of benefit to you and the House if I finish speaking now, so that the official spokesmen of the other parties—and other hon. Members, too—can, if they catch your eye, put their points on their amendments.

Mr. Soames *rose—*

Mr. Woolas: Before I do that, I give way to the hon. Gentleman.

Mr. Soames: I am very grateful. The Minister is always extremely courteous in giving way. May I ask him a question on a point that he raised before he was intervened on by the hon. Member for Perth and North Perthshire (Pete Wishart)? I took the Minister to say that he had some problem with the figures published by the Government's own statistics officers, the ONS. If the House is to get a true picture of the extent of the problem that the Bill is trying to deal with, it is important that it should know what his objections are to the ONS figures. On what points does he disagree with them, and which parts of the Bill are those disagreements likely to affect?

Mr. Woolas: I am extremely grateful to the hon. Gentleman for asking me that question, because it allows me to state in the House my actual views, rather than those that have been reported. My problem is not with the ONS. The ONS is not the Government's ONS, but the taxpayers' ONS; it is independent. It was set up by statute as an independent body by the House, with across-the-Floor agreement, if I recall correctly. My problem is with the interpretation of those figures by some—not, I hasten to add, by Migrationwatch UK. My simple point is that extrapolation is not the same as projection. The reported figures are extrapolations based on trends, but are reported as projections, and of course the two are extremely different. The extrapolation makes a number of assumptions on net migration that I just do not think can be backed up by actual fact.

My second point, which is extremely important—I think that the hon. Member for Ashford agreed with the point that I made to the Fabian Society when we debated the subject with it—is that there is a crucial difference between measuring the number of people who are not UK-born and measuring the number of migrants. There is a crucial difference between temporary migration and permanent settlement, or citizenship. On that latter point, to which my right hon. Friend the Member for Birkenhead, who is now not in the Chamber, has referred, the importance of the difference between temporary and permanent migration needs to be highlighted, yet the reporting of the figure does not do that. Part of the purpose of policy is better to enable us to do exactly that, so that we can have a more transparent debate about immigration in this country, something of which the hon. Member for Mid-Sussex is an important advocate. Whatever our policy disagreements, we both agree that we need to get the subject talked about.

The immigration figures and their interpretation are extremely important, and it is interesting to note the Library's contribution to the debate. Of course, the ONS has strict criteria on the management of statistics and their public release, and it is difficult to answer the hon. Gentleman's parliamentary questions without including caveats on the statistical code from the authority in a way that is helpful, but does not leave me open to misinterpretation, if he follows my logic.

5 pm

Mr. Soames: I am grateful to the Minister. I understand that these are extremely difficult matters, but as he says, if policy is to be correctly informed and drafted, it must be based on sound numbers. We believe that the figures supplied to him by Balanced Migration are entirely accurate. Following his line of argument, does he agree that immigration will add nearly 7 million people to England's population by 2031?

Mr. Woolas: Straightforwardly, no. That is my point. That figure is an extrapolation, but I agree that it is important that we have policy measures to restrict the numbers, and that we must be able to show the country that those are in place, both for reasons of population and for reasons of public reassurance. I agree with hon. Gentleman on that point. My disagreement with him is that those figures, which are well known, are based, as I say, on an extrapolation, which includes an extrapolation of emigration as well as immigration.

I do not quarrel with Migrationwatch's figures at all. They are accurate, as far as I have been able to determine. Point 1 on the 10-point plan, on the use of the England figures rather than the United Kingdom figures, may allow them to be interpreted in a slightly unfair way

[Mr. Woolas]

from the point of view of honest debate, but I take the point that Migrationwatch is making—that the south-east of England is where significant pressure comes about. I shall stop there in order to allow other Members to speak.

Damian Green (Ashford) (Con): The Minister has entertained us by comparing the Bill to a beautiful tapestry. I see it as a more modern artistic artefact, with no apparent meaning on the surface and a random distribution of effects, from which only initiates such as the Minister can derive any pattern. I suspect the artistic analogy will not last much beyond the opening speeches in this evening's debates.

I thank the Minister for his explanation of new clause 2 and the consequential amendments. I take the point that the existing amendments and new clauses were technically defective and it is no doubt better to proceed along the route that he has been explaining for the past few minutes. I shall speak to amendments 18, 20 and 21 in particular, which deal with various aspects of the border functions.

Amendment 18 adds "a police officer" to the list of people to whom the Secretary of State can devolve power. To set this in context, it is not a matter of controversy across the Floor that those working on our borders could work more efficiently if they could share powers. We all agree about that. One of the disagreements between us is that the Opposition believe that those powers should extend to police powers if we are to be effective in preventing illegal immigration.

I take the point that the Minister made in response to the good point made by my hon. Friend the Member for Mid-Sussex (Mr. Soames) that the net numbers coming in will not all be illegal immigrants. The holding facilities that we are discussing are, presumably, to hold people who are suspected of being illegal immigrants. We do not need holding facilities to cope with the full number. As was agreed, the gross number will be about 600,000 a year, based on figures over the past few years. We believe that that is too high and needs to be brought down.

With reference to the Government's proposals on the subject throughout the stages of the Bill, we have been concerned that they are rushing to set in motion the cross-powers, which we agree are desirable, without taking the necessary steps that would provide the appropriate safeguards, particularly with regard to training of those who will be given those powers, and with regard to checks and accountability.

We are worried about the piecemeal approach to organised crime, generally. Obviously, a lot of the crime associated with our borders is international organised crime, and such an approach has clearly not worked so far. Yesterday, the new serious organised crime strategy was published and it revealed that very little has improved over the past five years, precisely because of the lack of cross-cutting powers which the Minister seeks to enforce through this legislation. The problem is that different bodies have been working to different agendas, and agencies have not made full use of their available powers.

Yesterday, the Government themselves identified the need for a new strategic centre to fight serious organised crime, which is, I am afraid, an indictment of the power of the existing structures. A significant proportion of the organised crime in this country is international and, therefore, ought to be stopped at our borders. That reveals one of the great divides between us: we propose a national border police force; and the Minister and his colleagues always oppose it—even though, in some speeches, they appear to accept the logic of it.

Mr. Woolas *rose—*

Damian Green: Before the Minister responds, I accept that he has said that the proposal has not been ruled out for some point in the future, but we think that we need to proceed with that option as a matter of some urgency.

Amendment 18 would allow for a very small step towards that important, wider aim of a border police force, by giving the Secretary of State the power to designate a police officer as somebody who can exercise general customs functions. That is the nub of the amendment's desirability, because we want the different expertise that is available to police, immigration and customs officers to be brought together at our borders so that it can all be effective.

It is easy to illustrate the importance of greater effectiveness at our borders. We know that our porous borders are a significant contributor to a number of crimes—not just illegal immigration, but drug trafficking, people trafficking and, at the margin, terrorism. We know that 60 per cent. of the illegal immigrants who are in the UK arrived through illegal means. Although the practice of overstaying by people who have arrived here legally is a significant problem, it is less significant than the problem of those who get through our border controls illegally.

We can discuss people trafficking in more detail when we consider a later clause, but, by most calculations, its economic and social costs to the UK amount to more than £1 billion a year. We know also that weapons are increasingly smuggled through our badly protected borders, and the regrettable increase in gun crime has been fuelled by a supply of weapons that have entered the UK, particularly from eastern Europe. The Metropolitan police commander, Cressida Dick, has said that three quarters of firearms used by UK criminals are converted replica and imitation guns, and that most of them are smuggled in from eastern Europe.

The Minister, in a fit of honesty that he may come to regret—*[Interruption.]* It is a common fit that comes over him. He has said that

"we have, compared to other rich countries, been liberal in our border controls".

I hope that he recognises that quotation. He will be pleased to hear that I agree: that is one of the mistakes that the Government have made.

I hope that the House agrees with me on amendment 18 and supports the step it takes towards a much more collective effort at the borders. One reason for tabling the amendment is our knowledge that the specialisation of police services is effective in fighting new types of crime. Such specialisation is the way in which policing is going, and that is why we welcome the proposals from Lord Stevens, who, after conducting a review of our overall border security arrangements, concluded that only a unified force can protect our borders. As I have said, a future Conservative Government would create a

national border police force to replace the current inadequate system, but, in the meantime, through the amendment we seek to take a step towards that by extending the general customs function to police officers.

Let me widen the scope of my remarks a little and return to the point about appropriate training, because the question whether these important powers are exercised by appropriately trained people lies at the heart of the debate about changes within the UK Border Agency and Her Majesty's Revenue and Customs. As I said, there is no great divide across the House about that because the Minister and I agree that existing functions are subject to too great a diversity, sometimes an incoherence, on account of people exercising different powers at the border, and we want more cross-cutting powers. However, before we achieve that, and while the powers are being shared and spread around—as they would be under the amendment and, to some extent, under amendments in this group tabled by other hon. Members—it is legitimate to ask about the new functions that they represent and who would exercise them.

Customs officials' powers, which are extremely broad, are already being shared out to immigration officers, and the Minister will be aware that customs officers can already undertake a wide range of extremely intrusive activities. The threshold of reasonable suspicion needed for an officer to take enforcement activity is, rightly, very low, and that activity can relate to a combination of things, including the origin of a person's journey, their clothing, and the quantity of luggage that they are carrying. That is why I emphasise the need for only properly trained people to be allowed to exercise those powers, which in some cases, are greater than the average powers that a police officer can exercise. The amendment would allow the Secretary of State to designate police officers to do that such work. Of course, we accept that that in itself could entail extra training for the police officers involved, but the ability to exercise those cross-cutting powers would make it worth investing in that training. If we do not progress down the route towards a national border police force, we are in danger of giving increasingly extensive powers to people who may not be properly trained to exercise them, so that in an effort to make our borders safer, which nobody could object to, we could end up inconveniencing the travelling public. I am sure that we all agree that that would be undesirable.

Andrew Mackinlay (Thurrock) (Lab): At the risk of offending the vast number of Labour colleagues sitting behind the Minister, I have to say that I agree with the hon. Gentleman. I do not think that the Minister has been fully briefed. Several police forces at ports, including Tilbury, Belfast, Tees and Hartlepool, and Felixstowe, exist under old legislation, and they do a tremendous job in fulfilling the functions that he describes. It is by sheer luck that those particular ports have uniformed police with those powers. If it is good for them to be able to exercise those powers, why should not all the other hundreds of wharves and ports around our country have comparable people who can intervene on immigration, customs and law enforcement issues?

Damian Green: The hon. Gentleman, who speaks from his own constituency experience, is exactly right. There are inevitably places where this expertise has, rightly, been built up. One of the problems is that there is no mechanism to extend that expertise or even to appoint the people who are able to exercise those powers in the hundreds, perhaps thousands, of small ports, and some of the bigger ones.

Andrew Mackinlay: Southampton.

Damian Green: Yes, as the hon. Gentleman says, there are some reasonably sized ports that lack that expertise. It is a glaring problem, not a hidden one. We all know that it is there. One point that I have been making throughout the debates on the Bill is that in some ways, it is a wasted opportunity. We have an immigration Bill every year, yet for all the legislation that this Government have passed on immigration, there are certain glaring problems that do not seem to get addressed. We probably need less legislation and more enforcement of the existing legislation.

Mr. Soames: Does my hon. Friend agree that as far as the public whom we are sent here to represent are concerned, the point made by the hon. Member for Thurrock (Andrew Mackinlay) is absolutely key? They need assurance that the policies put forward for securing our borders are credible. They cannot be credible if the arrangements are not clearly satisfactory.

5.15 pm

Damian Green: My hon. Friend is right, and I can only repeat the point that I have just made. We are not short of immigration legislation. In the three and a half years that I have been doing this job, this is the third immigration Bill that I have had to investigate and probe, yet public confidence in our immigration system has probably never been lower. There are a number of reasons for that, and if I went into them at great length I suspect that you would pull me up, Mr. Deputy Speaker. It is quite clear that the two big reasons are the sheer scale of immigration over the past 10 to 12 years, which my hon. Friend and I agree should be lower, and the fact that it is apparent that our systems for stopping illegal immigration and wider cross-border crime are simply not working well enough.

Mr. Woolas: I am following the debate carefully. I respect the hon. Gentleman's argument on the relationship between police powers and the UK Border Agency, but I cannot accept the point that he has just made, and certainly his own county police force would not accept it. The success that it has had, working with our officials, in reducing illegal immigration, and the success that we have had at the juxtaposed border in France, has brought the numbers down dramatically. His own police force would say that.

Mr. Deputy Speaker: Order. May I say gently to the House that this is in danger of widening out into a Second Reading debate? Perhaps we can come back to the matter in hand.

Damian Green: I will rapidly move on to another amendment, Mr. Deputy Speaker, but not before saying that the Minister needs to address the point made by the hon. Member for Thurrock (Andrew Mackinlay). There are success stories in some ports, but we know that there are many failures in other ports around the country. There is no point in putting one brick back in the wall if the wall has holes in it all around the coastline.

Mr. Woolas: I take on board what you said, of course, Mr. Deputy Speaker, but does not the case of Kent rather destroy the hon. Gentleman's argument? That is an example of success, and Kent police have said that does not support his proposals, precisely because they needs to be able to bring the whole weight of the force behind the UK Border Agency. That is not the case in all ports, but it is a very good example.

Damian Green: I have obviously discussed the issue with Kent police. Like all effective police forces, it would like to carry on doing what it is doing. However, there are two points to make about that. First, the national border force that I propose would be able to spread precisely that successful expertise offered by police forces such as Kent. Secondly, although as a Kent MP I am very pleased that Kent police is effective, that is not much good if people can observe that the system is ineffective next door in Essex. If we all know that, we can guarantee that the serious international criminals whom we want to stop know that as well.

Andrew Mackinlay: I bear in mind what you said, Mr. Deputy Speaker, but the fact is that with human nature being what it is, territorial police forces are jealous of their geographical jurisdiction and do not want another police force in it. In the vast majority of county police forces up and down the country, if somebody draws to a police officer's attention the fact that there is an illegal immigrant or somebody who appears to be an illegal immigrant, what happens? The police give them a card and tell them to go to Lunar house, Croydon, and they just disappear into the ether.

Local commanders do not feel able to draw the authorities' attention to somebody who looks like an illegal immigrant, nor are they charged with doing that. That is the reality both sides of the River Thames outside the Port of Tilbury police, the Port of Dover police, the Belfast Harbour police and the Tees and Hartlepool Harbour police. At all the other big ports, it is open season.

Damian Green: I cannot resolve the argument between the Minister and his hon. Friend, certainly not while keeping in order.

Andrew Mackinlay: I represent 14 miles of river front and I know what I am talking about.

Damian Green: We can all agree with that, and I think that the hon. Gentleman has the better argument. Those of us with such responsibilities know about these things. If the Minister is not careful, I shall start talking about alternatives to detention, about which I know something because one of his failed experiments took place in my constituency. I will not be attracted down that route because, you will be pleased to hear, Mr. Deputy Speaker, I want to talk about our other amendments.

I start with amendment 20, which states:

"The designation of short-term holding facilities must be renewed every six months."

The purpose of the amendment is to probe the condition of the facilities—the point that the hon. Member for Perth and North Perthshire (Pete Wishart) made. Given that we now have more than 30 short-term holding facilities near ports and airports throughout the country and people can be held in them for up to seven days—I daresay that it does not feel very short term if one is being held there day after day—it is important, in view of the extra powers that the Minister wishes to take in new clause 2, to know that the conditions are secure. That is the first thing about which we should care, but those conditions should also be satisfactory and humane.

I want to ask the Minister some questions, which I hope that he can answer when he winds up the discussion on the first group of amendments. What immigration and customs offences would typically cover people who will be held in the short-term facilities? What regulations apply to the officers who are responsible for holding those suspects? Is there any necessity to charge or transfer a suspect in a specific time period? Are suspects normally transferred to immigration detention centres or police stations after they have been in the short-term facilities? What legal advice or representation is offered to suspects in the short-term holding facilities? It would be helpful if the Minister could paint a picture of how the short-term facilities are currently used and how he envisages their being used in future.

We have already had an exchange about the independent monitoring board, so the Minister knows that the monitoring board for Heathrow airport considers the current facilities to be inadequate. Clearly, Heathrow is the busiest facility, so I am sure that the Minister will be concerned about that. Indeed, Lord West of Spithead said in another place that he had visited the short-term facilities in Gatwick and that he was "not over-impressed." There are clearly deep problems with the short-term holding facilities in all our airports. *[Interruption.]* Yes, that is two, but they are Heathrow and Gatwick. If the facilities there are unsatisfactory, it is likely that others are also unsatisfactory. However, given Lord West's description of the new facilities at Heathrow, perhaps they have improved. He said about Cayley house that

"we provide toiletry packs, clothes, blankets, newspapers, magazines, hot and cold food, eye masks in places where the lighting is difficult, family areas, telephones without SIM cards which people can use, DVD players, DVDs and baby changing facilities."—[*Official Report, House of Lords,* 6 July 2009; Vol. 712, c.443.]

I have paid money to stay in worse places. I hope that Lord West is right but I also hope that the facilities are secure because they need to be.

Mr. Soames: As my hon. Friend may or may not know, Lord West is a goat; a member of the "Government of all the talents". Does my hon. Friend realise that the staff who run the homes do the best they possibly can under difficult conditions? As he rightly says, it will not be much fun staying there, but they do their best.

Damian Green: I am sure that is right, and I know my hon. Friend has great expertise in respect of Gatwick. Let me explain what I am seeking to achieve through this probing amendment: given that these facilities will become ever more important and widespread in the future, it is essential to strike the right balance so that they are secure but also humane. My final point on this matter is to do with interpretation facilities, as they will become increasingly important. Is the Minister satisfied that there is sufficient provision of such facilities at the various short term-holding facilities?

The third of our amendments addresses inspection, which the Minister and I had exchanges about in Committee. One of my worries about the Bill—indeed, about this whole part of the policy—is that there will be inspection creep, in that more and more inspecting

regimes are being applied to individual areas. This amendment would allow one inspectorate to delegate its powers and duties to another inspectorate, if that is necessary. I can absolutely guarantee that now that we have three different inspection regimes that are all able to operate, as time goes by those who are doing this difficult job in trying circumstances will spend increasing amounts of their time ticking boxes to try to hit the targets of the next inspection regime. They will also certainly find that each of the three inspectorates that have some power to inspect the facilities will have a different set of priorities and will tell those facilities to do different things. We have seen this happen across the public sector over the past few years, and it would be very unfortunate if we introduced that particular failure into the inspection regime for any kind of detention facilities on the immigration estate, and perhaps especially for the short-term holding facilities.

The point was made in Committee that we know that the new inspectorate—UKBA's own inspectorate—will be the least powerful. It will be less powerful than Her Majesty's inspectorate of constabulary and the prisons inspectorate simply because they have greater expertise and history and know the ways of doing things. It will take some years for the UKBA inspectorate to build itself up. No criticism of the UKBA inspectorate is implied in that; it is just the way of the world. I have attempted at various stages of the Bill's passage to reduce the volume of inspection, because I think a single good inspection is what these facilities and those who work in them should have, and that multiple, constant inspections will result in the facilities providing a lower quality service.

I will not deal with all the amendments tabled by the Liberal Democrats and others, but I hope that the Minister and the House will take on board the arguments I have put for the three amendments we have tabled.

John McDonnell (Hayes and Harlington) (Lab): Before speaking to my amendments, I shall address the issue of short-term holding facilities. There are at present concerns about short-term holding. Although there has been some jocular reference to the conditions in these facilities, the people detained in them are not criminals; they are being detained while further investigations take place. My concern about the new clause is that it would extend the short-term holding facility definition to police cells and prison cells. That is a worrying move, and I am also concerned about people being left in such short-term holding for considerable lengths of time. That is why I support the amendments which try to limit the hours for which people are detained.

The amendments in my name are amendments 9 and 10 to 13. When we debate legislation such as this, it is important that we look at the practicalities of the implementation of its provisions. I have Heathrow in my constituency and a large number of my constituents are immigration or customs officers. Most of them are organised through the Public and Commercial Services Union, and I co-ordinate the PCS group. We therefore get considerable feedback about the anxieties of existing staff about the changes proposed in the Bill.

5.30 pm

As hon. Members are aware, at present there are three lines of inspection—three sequential control points—for people coming into this country and therefore three opportunities for detection and intelligence. Passengers, vehicles and traffic are potentially subject to three checks: by immigration, by customs and then by the police. Over time, specialist knowledge and training have been built up in each area, as has, therefore, a professionalism.

Under clause 3, the Secretary of State can designate

"an immigration officer, or…any other official in that Secretary of State's department, as a general customs official."

That is an extremely sweeping power—"any other official" in the Department could, I suppose, apply to the departmental cat. The breadth of the designation powers being given to the Secretary of State is extraordinary. That has caused unease among officers in the service, whose first concern is that the extent of the power could lead to privatisation. I am grateful for the time that the Minister and management have taken to meet trade union reps and to reassure them that the thrust of the legislation is not about privatisation, but about trying to streamline the service, as some have said, and increase its effectiveness. The staff have gone along with that by looking at how effectiveness can be achieved.

There are still concerns, however, that the professionalism of the service will be undermined by the breakdown of specialisms. Nevertheless, the staff have gone into negotiations through PCS to look at where the specialisms can be maintained or drawn upon in a unified service. However, it is accepted that there will be change and that not all will be catered for. I have seen the correspondence between the union and management, and the union accepts that the business model being pursued by management will mean that there may not be a sufficient number of posts at every port to satisfy everyone's wishes. The union recognises that, as a result, management may wish to redeploy staff to new duties. That displays a flexibility in those discussions from the union in order to ensure that the implementation of the legislation is delivered as Ministers want it to be delivered.

However, there are genuine concerns about what could happen as a result of the breadth of the Secretary of State's powers. That is why my amendments seek to limit those powers and ensure that the Secretary of State can designate from either existing staff—that is, customs officers—or staff who are specifically recruited for that purpose. My amendments would also remove the flexibility that the Secretary of State is seeking to give himself to designate customs officers for a limited period, so that we can inspire existing staff, see them as professionals, build on their expertise and recognise that they need both the security of employment and the respect for their profession that they are pursuing in the longer term.

The implementation of the legislation could fall at the earliest point, however, because of the breakdown of the discussions that have taken place so far. Unfortunately, there has been a rush by elements in management to implement the single border approach, with the recent publication of integrated guidance, which has triggered some managers to change shift patterns, job content and ways of working among staff, despite the offer by the union to become involved in workplace planning and to look at how people can be redeployed. At the moment, if the legislation goes through and there is no proper consultation between management and the unions, which is what should happen, there will be industrial action on its first implementation in August. At the moment, the union is balloting on that industrial

action. I believe that the Government have a responsibility to intervene to ensure that the management respect the wishes of the House.

The current union offer is that there should be a moratorium, not on change but on the compulsion on staff to move from their existing positions to new ones, and that that moratorium on compulsion linked to change should last until May next year. However, I understand that the management want it to last only until December, so we are talking about a difference of six months. If the management remain intransigent, there will be industrial action in August next year—August is one of the busiest periods for customs and immigration officers—and the morale of the staff and their confidence in the new system that the Government are introducing will have been undermined.

The Minister has intervened recently to reassure the staff that the sweeping power that he has given himself will not be used for privatisation or to bulldoze through measures that undermine the professionalism and morale of the existing staff. As I have said, there is a meeting on Friday between the unions and the management. If no agreement is reached, the ballot that is now taking place could well produce a majority in favour of industrial action, and the service will face a crisis at its very birth. Will the Minister give me an assurance that if no agreement is reached on Friday, he will meet Members of the House to see what can be done to resolve the industrial relations problems that the new service, as set out in the Bill, seems to be encountering at its birth?

A residue of good will among the immigration and customs officers within the Minister's Department and elsewhere has been drawn on, and it now needs to be bolstered, rather than undermined at this early stage. I do not believe that it is too much to ask of the service that there should at least be a moratorium on compulsory redeployment between now and May, so that negotiations can take place to protect the staff who are in situ at the moment. They are professionals who have served this country relatively well over the years. In fact, one of the arguments that we have had in the House has centred not on their professionalism but on the fact that there have been too few of them. We need to build on the strengths of the existing service, and that is what we are seeking to do.

The amendments enable me to highlight the problems that exist in the service at the moment, and I hope the Minister will give me the undertaking that if negotiations fail on Friday, we can have a quick ministerial meeting with Members and, hopefully, resolve the outstanding issues. That would enable the service to go forward on a basis of professionalism and with increased morale and stability from the beginning.

Tom Brake (Carshalton and Wallington) (LD): I shall speak briefly to this group of amendments on border functions. Before I come to our amendments, I should like to comment on those tabled by the Conservatives, starting with amendment 18, which would allow a police officer to be designated in relation to general customs functions. There is agreement between the Conservatives and the Liberal Democrats on the need for a UK border force, although there is some difference of opinion about precisely what responsibilities and roles such a force would have. I doubt that the Conservatives intend to press amendment 18 to a vote, as a little more preparation would be required than a simple reference to a police officer in order for the Bill to reflect the entirety of the requirements of a fully fledged UK border force.

The hon. Member for Ashford (Damian Green) was quite right to stress the importance of training—a matter we discussed at some length in Committee, and we sought assurances that the funding and appropriate level of training would be available for staff.

Amendment 20 would entail a review every six months of the short-term holding facilities, and I view it as a valuable probing amendment. Given the difficulties highlighted in some short-term holding facilities—the hon. Member for Ashford spoke about Heathrow and Gatwick for starters—the issue clearly needs to be kept under review. The hon. Gentleman outlined what was theoretically available in the short-term holding facilities. I do not want to stray into a debate about mental health services, but I wish that the level of provision available there were matched by that in many mental health hospitals, but having had an engaged dialogue with my local trust to secure just one additional newspaper in a similar facility, I know that it is not. However, I would like to see those facilities rolled out in other places as well.

Coincidentally whether police inspectors should be allowed to take on the role of the chief inspector of the UK Border Agency was, a matter discussed in the Home Affairs Select Committee earlier today. One aspect of the chief inspector's role that was underlined there was the importance of ensuring that he is perceived as being completely independent of government. It was suggested that he should not have an e-mail address with the term ".gov" in it and that he should have the word "independent" on his letterhead. There must be certainty about the degree of independence, which is an issue that can be resolved, and our proposals for a UK border force need to ensure that independence is maintained. Police inspectors must be seen to be completely independent of government in the same way as we expect the chief inspector of UKBA to be completely independent of government.

Our amendment (a) to new clause 2 welcomes the fact that Government lawyers spotted the possibility of certain difficulties arising in designating prisons and police cells as short-term holding facilities. One occasionally wonders how legislation arrives in such a form. I do not know whether the responsible official is here today and sitting in the Box, but it is strange the way these things happen, and it is fortunate that in this case it was spotted before the legislation went through. *[Interruption.]* The Minister says from a sedentary position that we are only human, and Ministers are also only human, so I welcome this change.

Amendment (a) is designed to provide even greater clarity about who the new clause applies to. It would provide for a detention

"by an immigration officer, general customs official or Customs revenue official".

The Minister may say that that is already the case and that we are being over-cautious, in which case I will take that on board, but I think it provides clarity about who is going to be responsible for the control of the detention.

Amendment (b) is designed to ensure what I believe the Minister was seeking to achieve—that there should

be a maximum detention period of six hours in these short-term holding facilities. As other Members have said, these are not necessarily facilities that people would want to be detained in for much longer. What the Minister said in Committee suggested his support for our position. The amendment would ensure that the short-term holding facilities could hold people under HMRC and court powers for a maximum of just six hours.

5.45 pm

The aim of amendment 3, which we discussed at some length in Committee, is to ensure that the Independent Police Complaints Commission's remit extends beyond our borders. I acknowledge some of the concerns raised by the Minister about the possible impact of exporting the United Kingdom's laws on the jurisdictions of other countries, and the possibility that they would feel we were interfering in their legal business.

We might not have pursued the amendment so strongly but for something that happened in the Home Affairs Committee. When John Vine, chief inspector of UKBA, appeared before the Committee, I asked whether he saw any valid role for the IPCC in extending its powers to juxtapose controls. In what may have been an off-the-cuff response, or one to which he would have liked to give greater consideration—the Select Committee format does not really lend itself to that—he said that he could not think of a reason it would not be appropriate for the IPCC's powers governing the activities of UKBA officers to be applicable abroad. It could be said that that gives the amendment an additional weight which it did not have three or four hours ago.

I hope the Minister will consider our proposals carefully. I hope he will judge them to be in the same vein as the proposals we presented in Committee in an attempt to improve the Bill and probe the Government's intentions, but will give them a warmer and more positive response.

Mr. Soames: As my hon. Friend the Member for Ashford (Damian Green) observed, there is a sort of ritual to these immigration Bills. They come around almost annually, yet they never seem to close with the main problem.

Before I lend my support to what my hon. Friend has said, let me remind the House that net foreign immigration trebled between 1997 to 2007, from 107,000 to 333,000. During the same period, the net outflow of British citizens doubled to about 100,000 a year. The overall inflow—the backdrop against which these clauses are being debated and the Bill's passage is to be completed—has reached about 237,000 people a year, compared with 48,000 as recently as 1997. The total inflow of foreign citizens since 1997 is nearly 3 million. Those are enormous figures, and, however we view them, they will have a profound consequence for the life of this country. The Bill is a major piece of legislation. It is of the first importance to the security of our people, and to the harmony and cohesion of our country.

I pay tribute to the rational, calm and sensible way in which the Minister approaches these matters. I personally think that he does a very good job in very trying circumstances, but that is as far as it goes, because I do not think that the Government are closing with the real issues. The fact that the Minister appears to be in denial about the figures from the Office for National Statistics is example enough.

The Minister referred to the short-term detention facilities, and the number of people with whom it would be necessary to deal. Nobody knows how many illegal immigrants there are in this country—they are additional to the numbers I quoted. The latest estimate by the London School of Economics is that there are about 618,000, within a range of between 417,000 and 863,000.

The Government propose to deal with that increase by introducing a points-based system for work permits, which they inadvisably describe as being tough and Australian-style. In fact, it is neither. The Australians start with a limit and issue permits within it. There are no limits to the Government's scheme; indeed, according to their own calculation, it will reduce immigration by only 6 per cent.

I raise this issue not in any partisan way. We can all agree or disagree with those figures, and I know that the Minister does not agree with the interpretation and analysis of the Office for National Statistics, although he was good enough to refer to Migrationwatch UK, the work of which I and the right hon. Member for Birkenhead (Mr. Field) admire and believe has brought enormous credibility and sanity to the debate, enabling us to discuss these matters in public.

As you will remember, Mr. Deputy Speaker, when you and I first entered this House, if anyone was foolish enough to raise this subject, they would be branded as being on the far right of the Conservative party and treated as a pariah. There is no reason why you should remember this—I do not know whether you were in the Chair at the time—but I had an Adjournment debate on immigration back when my right hon. Friend the Member for Witney (Mr. Cameron), who was present at the debate and has since rocketed past me and become the leader of my party, was a member of the Select Committee on Home Affairs. The right hon. Member for Stretford and Urmston (Beverley Hughes), whom I understand is to leave this House shortly, accused us of being racist. She said that even mentioning the subject on the Floor of the House of Commons was unacceptable. The Balanced Migration campaign has tried, in discussing the legislative process with Ministers, to enable this country to have a serious and open debate about a matter that is of profound consequence and importance to this country.

I say this—I am grateful to you for giving me the latitude to do so, Mr. Deputy Speaker—only because we must consider what will happen to the facilities that we have created and will create if the legislation is not right. The hon. Member for Hayes and Harlington (John McDonnell) spoke eloquently about such facilities in his own constituency; I know a little bit about such facilities, because Gatwick used to be in my constituency and I have visited them. The hon. Member for Thurrock (Andrew Mackinlay), who is sitting below the Gangway, in one of the most famous seats in the House of Commons, knows very well what he is talking about. There are real difficulties at the moment in dealing with this tidal wave. This is not designed to be an emotive speech, but we are talking about an enormous number of people. It is essential that the legislation provides proper, coherent, joined-up government to enable us to deal in a humane, decent and honourable way with the very large number of people who come to seek their fortune and way of life in this country.

[Mr. Soames]

I believe that in this Bill, the Government, who have good intentions, are trying to deal with the matter—

Mr. Deputy Speaker: Order. I am reluctant to stop the hon. Gentleman—*[Interruption.]* Yes, I think he has probably exhausted my latitude. Perhaps he could now come to the matters in hand. This is not a Second Reading debate.

Mr. Soames: Mr. Deputy Speaker, you have been characteristically, magnificently generous and I am sorry to have abused your hospitality in the Chair; I will cease to do so.

I want very quickly to say only this. I support my hon. Friend the Member for Ashford on the question of the short-term holding facilities. As I have said, those who have to design and run those facilities have to manage a very unhappy, difficult and frustrated population, and my goodness, if one were there oneself, one would understand very well why they feel that way. They are frightened for their future, for their families and particularly for their children, and they do not know what is going to happen. It is important that those centres be humane, decent, properly run places.

The only point that I wish to make to the Minister is that I hope he is satisfied on this issue. He does not agree with me, with Migrationwatch UK, with the ONS or, apparently, with anyone else about the number of people involved. He knows very well, however, because he is an intelligent man, that the numbers are very great.

Mr. Woolas: The hon. Gentleman makes a very important point. In questioning the 70 million figure as an extrapolation, not a projection, I am in no way diminishing the importance of his point about the net migration figures to which he draws attention. I do, of course, accept that point.

Mr. Soames: I am grateful to the Minister for saying that.

On the structure of the administration of the facilities and the accompanying bureaucracy, a very important point was made about liaison between police forces. I have not had the same experience, but I know very well of the inability of police forces to work properly together unless they are made to do so; indeed, every such attempt to make them do so has nearly always been seen off. Given the great difficulty in coping with this large and increasing number of people, it is essential that the Minister and my hon. Friend are satisfied that the legislation can cope with such numbers. The steps that the Government are taking to diminish their numbers will have only a very marginal effect.

Pete Wishart: It is a pleasure to follow the hon. Member for Mid-Sussex (Mr. Soames). There is no doubt that he brings a great deal of experience and passion to the debate, and where the amendments did get a fleeting look in, he certainly brought a great deal of interest to it. May I say gently to him that the range of issues he described does not apply to my nation? It is experiencing structural depopulation, so we face the opposite range of issues. I hope he recognises that, and agrees that what Scotland perhaps requires is its own immigration process, so that we can deal with our own issues and he can get on with dealing with his. That is how we should proceed.

Chris Huhne (Eastleigh) (LD): Does the hon. Gentleman agree that the proposal for a separate immigration policy would be entirely unnecessary if we had an Australian-style points-based system that allowed for the Scottish circumstances? That way, we could have a UK system without going quite as far as he suggests.

Pete Wishart: I am grateful to the hon. Gentleman for raising that, because exactly what is lacking in the points-based system is the flexibility that would allow the nations of the UK to determine their own immigration requirements and help us to deal with the challenging immigration and population issues that we face. We need those powers and we need them now, in order to tackle the challenges we will face in future.

I want to address my remarks to new clause 2 and the consequential amendments, and to support the very good amendments (a) and (b), from the hon. Gentleman and his colleagues. Regardless of what the Minister said to me in response to my earlier intervention, there is no doubt that the current arrangements for the short-term detention of detainees are less than satisfactory and are, in fact, inadequate. What is proposed in new clause 2 will only make matters worse and compound the situation in which the detainees find themselves.

It is not just the independent monitoring board and Lord West, but Her Majesty's inspectorate of prisons that found the situation in nearly all the short-term holding facilities less than adequate. It found difficulties with ensuring that children could be looked after, with access to legal advice, and with ensuring that even basic things such as toilet facilities were of a suitable standard. There was no child care training or policy, and there were no child protection arrangements. There were bullying issues, and no way for some of those complaints to be addressed. I hope the Minister recognises that there are difficulties and issues in the short-term holding facilities, and that the Government should take the matter seriously and try to resolve it.

6 pm

I am particularly concerned about the care and welfare of children, which is the nub of the issue, whether in the short-term, or in the longer-term, detention estate. On Second Reading, I had a useful exchange with the Minister and the hon. Member for Ashford (Damian Green), with a real desire to consider the detention of children, whether in the long or short term. I thought that we were making progress with the idea that the issue had to be addressed as a priority.

The Minister is right: I have raised several parliamentary questions on the subject. On Second Reading, I mentioned the case of a family from Africa, who came to Glasgow. They had been subjected to a dawn raid and held at the Dungavel long-term detention facility. They were deported to the Ivory Coast by private jet, only to be returned immediately to a detention centre in England. I now understand that the family is to be deported this week to Senegal, again by private jet via Brazil.

I asked some questions about the cost of such deportations, and I could not believe the responses I received. For example, the cost of holding and deporting

the family in the case I have mentioned has been £70,000, even before this week's round of deportations. Other parliamentary questions revealed that the cost of chartering private aircraft had almost doubled in the last year to more than £8.2 million. The UK Border Agency spent £26.8 million on chartered and scheduled flights to remove immigrants at the taxpayers' expense in 2008-09. A total of £81.5 million has been spent since 2005. Those are staggering figures, and they reveal just how much is spent in deporting people from this country.

Would it not be more cost-effective to consider other, more creative solutions to deal with the problem? Is deportation always the answer in such cases, especially when the costs are so astronomical? I urge the Minister to look at this problem.

Sammy Wilson (East Antrim) (DUP): I understand the hon. Gentleman's point about the cost, and perhaps the answer is to administer deportations more effectively, but would it not send the wrong signal if deportations were to stop and we were simply to say that we would look for an internal solution? Would not that encourage even more people to come to the UK, because they would see it as a soft touch?

Pete Wishart: The hon. Gentleman is right, and deportation is necessary in many cases. No hon. Member would argue that that is not necessary, but the parliamentary questions revealed the staggering cost of the process. I did not know that all this was happening, and I am sure that other hon. Members did not know about those excessive costs. I challenge the Minister to consider other methods, including alternatives to detention and deportation, to try to make progress. I know that some work has been done in that area and it should be encouraged. It seems that the solution to all the problems is either to detain or deport, but there must be other answers that are more humane and more cost-effective. We should ask what these people may have to contribute to our communities and our society, and I hope that the Home Office will look seriously at the issue.

The costs of the immigration system are spiralling out of control. We are compounding the problem with further measures on the short-term detention of immigrants that will not be helpful. I support amendments (a) and (b), as tabled by the hon. Member for Eastleigh (Chris Huhne) and his troika of colleagues on the Liberal Democrat Front Bench. The amendments would help to mitigate some of the more damaging aspects of new clause 2 and I hope that they secure the support of the House. We have to ensure that we do not make a bad situation worse.

Sensitivity is required, but we seem to be making matters worse. We look at immigration issues in black and white, but we have to challenge ourselves to be more creative in our approach, to consider other solutions and to start to explore other avenues. I hope that the House rejects new clause 2 as drafted and supports amendments (a) and (b), so that we can start to make some progress on these important issues.

Mr. Charles Walker (Broxbourne) (Con): There is a good Charles Walker and a bad Charles Walker. The bad Charles Walker says on occasions, "Why should the short-term detention centres be particularly welcoming? We have loads of immigrants coming to this country, and many people do not want so many to come, so why should these detention centres be comfortable?" Then the good Charles Walker holds sway and says, "Yes, there are bad people who want to come to this country and do bad things, but there are also many good people escaping terrible oppression."

Of course, if people are put in a short-term detention centre for seven days, they are not illegal immigrants, because they have not entered the country and been lost within the system. They have been detained at our borders. We have to ensure that while people are in the short-term detention centres, it is not a near-prison experience. They must be looked after and receive the support that my hon. Friend the Member for Ashford (Damian Green) mentioned. They have the right to legal representation, interpretation services and so on. As I said, many good people will be caught up in the system.

Many people will take an interest in amendment 20, because short-term detention facilities last at most seven days. For many people who leave those centres, the nightmare will just be beginning. They may face years and years caught up in a system that refuses to give them a clear decision on their immigration status. They will be in limbo, unable to work and relying on handouts.

We said at the start of the debate that it was important that our immigration system was humane. My concern is that although we may have humane seven-day detention centres, the rest of the system will continue to be inhumane. We need to remove people from this country far more quickly than we do at present, but at the same time it is almost madness that we force people to wait for up to a decade for a decision. We need to take a broader look—outside amendment 20 and this Bill—at how we treat people who come to this country. Yes, in many cases, sending them home will be the right thing to do, but it may now be time to consider whether we should let people work while they are waiting for the decision. The quid pro quo for our constituents could be that we would make that decision in, at most, a couple of years, and we would remove people after that period. However, while they are here, we would not make their lives a living hell. We are a first-world country, and we need to behave like one when it comes to immigration.

Mr. Woolas: I will restrict my remarks to the amendments before us. We have had a wide-ranging debate on these amendments that has been well informed on the subject areas, but not always relevant to the amendments before us—

Mr. Deputy Speaker: Order. Sometimes it is reasonable to allow a little background to the amendments that we are discussing, and sometimes I extend that generosity to the Minister himself.

Mr. Woolas: I am very aware of that, Mr. Deputy Speaker, and very grateful. It is, of course, entirely a matter for you and not for me. However, it is sometimes difficult to answer specific points that have been raised if they are not directly relevant to the amendments, even though they might be generally relevant.

Let me try to explain again what the amendments on the short-term holding facilities do. There has been a discussion about them this afternoon and, at times, the

[Mr. Woolas]

issue of detention centres has been confused with the issue of short-term holding facilities. It is, of course, the latter that we are talking about. Typically, in a short-term holding centre people will be held for a small number of hours and rarely for longer. There are some examples of where that does not happen.

The hon. Member for Broxbourne (Mr. Walker) made a point about the time that the process takes. Of course, some of the legacy cases have taken a number of years. That is regrettable, but it is most often caused not by the lack of a clear decision but a series of legal challenges involving appeal, fresh application, application for judicial review and so on. It is exactly that point—that justice delayed is justice denied both for the applicant and the taxpayer—that our proposals on judicial review are designed to address. Given that the hon. Gentleman spoke so strongly and passionately about the need for speedy decisions, I hope that he will support us, if we divide tonight, on the administrative reforms.

Mr. Walker: The Minister is very generous in giving way, and he is very good at laying traps—I hope that I do not fall into one. I take his comments in the spirit in which they are said. What probably concerns his constituents, as well as mine, is the sheer length of time that it seems to take to remove certain people who are refused entry. We can perhaps both agree on that.

Mr. Woolas: I gave way to the good hon. Gentleman, and his intervention was good, too. My experience is that the delay of deportation to which he refers—rather than the delay of an immigration or asylum decision—is, in practice, either due to legal challenge and non-acceptance of the decisions of the judiciary, which we will debate in a later group of amendments if you allow it, Mr. Deputy Speaker, or to do with false claims of country of origin. For example, many people who claim to be Zimbabwean are, we discover, nothing of the sort. Many people who claim to be Kosovan turn out to be Albanian. In some cases, the country of origin refuses to issue documentation and the bad side of our characters, which says that we should get on with it, often misses the reality, which is that it is not possible to get on with it because of the dispute. In those circumstances, the thrust of policy is designed to speed up that system because the delays are, frankly, unacceptable. That is why, given what the hon. Gentleman has said, I am sure that his good side would support my comments on the changes required to the process of tribunals and courts and on the behaviour of some lawyers.

Mr. John Gummer (Suffolk, Coastal) (Con): Does the Minister agree that those of us who are very sympathetic to his argument still have a number of cases that have taken a very long time? I had one such case in my surgery on Saturday, in which a perfectly respectable person in my constituency, and known to me, married somebody. The marriage is disputed, but he has been promised a decision again and again. However, when the decision comes, it is so ludicrous and the way in which it has been documented is so manifestly unconnected with that individual—the smallest amount of investigation would have discovered that what has been said is clearly not true—that it makes it difficult to say, "A lot of cases out there have to be put right because lawyers behave badly." I would like to feel happier about the performance of the Minister's Department, which is much improved since he has been there, but it is still questionable in the cases that I see from week to week.

Mr. Woolas: I am grateful to the right hon. Gentleman. I do not claim personal credit for the improvements—at least not here. It is true that the UK Border Agency, since its creation, should be commended on the improvements in the clearing of the backlog and on the report by our chief executive to the Select Committee on Home Affairs. Any reasonably minded person who follows the letters and exchanges would accept that there has been significant improvement in effectiveness in terms of both quality and quantity. It is our policy objective to speed up decisions and to improve their quality. Part of that, however—this is not a contradictory point but a supplementary one—involves trying to improve the processes through the independent system. That is what this group of amendments is about. That is where Lord Kingsland played a very helpful role.

6.15 pm

Mr. Walker: I agree with what my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) says. I deal with a number of immigration cases where I think, "For goodness' sake, this is clearly a good person, so can we get on with it?" However, I support the Minister in that I think that Members of Parliament have to be far more robust in supporting the work of his Department when we feel that it has got it right. We need to say to the people who come through our door, "No, a decision has been made. It was the right decision and it is time for you to go back to where you came from."

Mr. Woolas: The hon. Gentleman describes the two pressures on us, even if it is not quite a Jekyll and Hyde situation. I believe, as I am sure that he does, that most right hon. and hon. Members do the right thing. There is a balance between advocacy for the individual and pursuing the honest policy. My experience is that we, as Members, are often naive about the intent and content of cases that are put before us. Close examination by our officials often paints a different picture from the one presented to us. It is understandable that people present their case in a good light.

I oversee the detention of children. In the UKBA, we have a number of layers of checks to ensure that we are doing the right thing. The hon. Member for Perth and North Perthshire (Pete Wishart) asked whether detention is necessary. It is a last resort, but let us consider case studies from among those children. Of course, I cannot name individuals but I have one such case study that I chose at random before today's debate. The person was involved in two counts of sexual assault, possession of a knife and blade in a public place, assault and battery and three counts of theft. He was sentenced to 12 months' detention—this is a child by legal definition; he is obviously a teenager. That sentence was increased to 18 months on appeal, as the judge decided that the crime was even worse than had been first judged. The person was put into immigration detention and then, of course, he appealed. He subsequently claimed asylum, which he is allowed to do under the Geneva convention, to which we are a signatory. That was refused. He was then served with a notice of intention to deport, he

appealed against the deportation order and a further hearing had to take place. So it goes on. Our policy runs against the background of those legal checks, which this House and the other place would support in general.

That case, which I have not chosen as an extreme example—it was a genuinely random case—shows that we are often not dealing with what hon. Members are presented with on the face of it. It is an asylum case; I do not say that about the majority of immigration cases. I agree with the point made by the hon. Member for Broxbourne that speedier decisions are better for all concerned. However, our policies are delivering in that regard and the Home Affairs Committee has played a useful role.

The hon. Member for Perth and North Perthshire talked about alternatives. We referred to the pilot project in the area represented by the hon. Member for Ashford (Damian Green). Of the 30 families in the pilot, only one turned up. Detention is used because people do not want to be deported and so abscond. We are sometimes forced to call on homes early in the morning to avoid having to call on schools. We want to keep families together: if there were an alternative, I assure the House that we would use it. Detention is the last resort, but I emphasise that we are talking about short-term holding facilities, and not detention centres.

The hon. Member for Ashford asked a number of questions and I shall answer them in the order that I have the answers before me, rather than in any other logical order. He asked about the typical immigration offences involved here, and I can tell him that issues relating to smuggling drugs and people are foremost among them. He also asked about the regulations that apply, and I can assure him that the PACE regulations will continue to apply to persons arrested and detained in the short-term holding facilities.

The hon. Gentleman asked about timetables. The PACE timetables apply in these cases—that is, a person can be detained for up to six hours in a facility that is not designated under PACE, and for up to 96 hours in a place that is so designated. He asked what levels of legal advice were available, and that matter again is covered by the PACE regulations, including the right to access the duty solicitor.

The hon. Member for Perth and North Perthshire referred to the concerns about the independent monitoring board. I do not dismiss their importance but, to be fair, they are largely historical. As I said before, we have taken up the recommendations in most cases.

It is difficult to accept amendment 20 on short-term holding facilities, not least because we propose to remove clause 25 but also because it is not clear from the amendment what sort of designation is being referred to. If it is the designation of a particular place as a short-term holding facility, it is not clear why that designation should need renewing every six months. In any event, all places of immigration detention are specified as such in a direction made by Ministers under paragraph 18(1) of schedule 2 to the Immigration Act 1971. The direction is modified or replaced from time to time, and a copy of the current direction is in the House Libraries.

Aside from immigration removal centres, which are identified individually, the direction specifies the categories of place in which a person may be detained, rather than the individual locations. Short-term holding facilities therefore appear as a class of place: there is no reason why their inclusion in the direction should need to be renewed and no real purpose served in doing so.

If the term "designation" is meant to be a reference to the designation of a short-term holding facility for the purposes of PACE, again there is no need for the reviews proposed by this amendment. There is no such requirement in PACE, or in the orders applying PACE to Her Majesty's Revenue and Customs. I do not believe that there is any need for such a requirement here.

The Secretary of State will designate a facility for the purposes of PACE only when he is satisfied that it meets the requirements and standards set out in PACE and Home Office guidance. Only a short-term holding facility that meets those requirements will therefore be designated for the purposes of PACE.

I hope that the House accepts the logic of my argument. It is clear that, having designated a short-term holding facility for the purposes of PACE, the Secretary of State will retain responsibility for ensuring that the facility remains compliant with the relevant standards. If the facility falls below those standards at any time, the designation will be withdrawn, so there is no need to introduce an administratively burdensome six-monthly review requirement when PACE already provides the appropriate framework for the designation process.

Damian Green: I take the Minister's point, which is indeed clear, but how will the Secretary of State know? One of the purposes of our amendment was to ensure that there was a mechanism for the provision of information. Presumably the facility would be kept up to the mark, but I am not clear what mechanism there is under PACE to make sure that the Secretary of State knows what is going on.

Mr. Woolas: The independent monitoring board and the inspectorate regime provide the framework for specific places that are named. The hon. Gentleman said that he was concerned about too much inspection, and I understand that point, but the PACE regulations cover the classes of designated areas. He asks a reasonable question, but he may as well ask how the Home Secretary knows that a cell in a police station is up to standard. The answer is that he will know such information through the various inspection frameworks that are in place, and through the police authority mechanisms.

My answer to the hon. Gentleman's question is that the PACE regulations will make sure that the Home Secretary is in possession of the necessary detail. My concern is that amendment 20 is a long way around a short corner, to use a Lancastrian phrase.

Proposed new subsections (a) and (b) to new clause 2, which replaces the existing clause 25, attracted support in the debate this afternoon. I think that the hon. Member for Carshalton and Wallington (Tom Brake) was praising the lawyers for spotting the mistake, and it shows the Home Office's good intent that we have recognised the point being made. We have sought to put the matter right, and that shows why scrutiny in Committee is important. Sometimes it appears very technical—and, dare I say it, boring to the outsider—but it remains important and we have recognised the unintended consequence of our original proposal. However, let me explain our thinking on that point.

[Mr. Woolas]

Proposed new subsection (a) would restrict the persons who may be held in a short-term holding facility to those who have been detained

"by an immigration officer, general customs official or Customs revenue official."

I hope that the hon. Gentleman will bear with me, because I asked exactly the same question as he did when the point was put to me. The effect of the amendment would be to undermine the objectives of the UK Border Agency and HMRC, which are seeking to maximise their ability to make use of existing detention facilities.

It was agreed in Committee that it makes operational sense that individuals who have been arrested on suspicion of committing a customs offence, whether by a customs official of the UKBA or an officer of HMRC, should be able to be detained in a short-term holding facility for up to six hours or, where such a facility has been designated for the purposes of PACE or PACE (NI)—that is, PACE as it applies in Northern Ireland—as a place of detention, for longer than six hours, in accordance with the time limits prescribed by the PACE clock. To restrict flexibility in the way that amendment 20 proposes would prevent UKBA and HMRC from making the most effective use of existing detention facilities.

Proposed new subsection (b) to new clause 2 would restrict the period of detention in a short-term holding facility of persons other than administrative immigration detainees to six hours. That is unnecessary: as I have already said, the revised definition of short-term holding facilities would have no effect whatsoever on the relevant time limits that apply to a person's detention or custody in those facilities, including those that apply in the case of an arrested person whose detention is regulated by the provisions of PACE.

In accordance with the provision that we are making elsewhere in part 1 of the Bill, where an arrested person is detained in a short-term holding facility the appropriate obligations and safeguards in PACE, or PACE (NI), will continue to apply.

Under the proposals in the Bill, individuals who have been arrested on suspicion of committing an offence, whether immigration or customs, may be detained in a short-term holding facility for up to six hours or, where such a facility has been designated as a place of detention, for longer than six hours. The hon. Gentleman is therefore seeking to change the designation process. What I am seeking to do in my amendments is to put right the unintended consequences, as I explained earlier.

6.30 pm

Amendments 9 to 13 were tabled my hon. Friends the Members for Walthamstow (Mr. Gerrard) and for Hayes and Harlington (John McDonnell). As they said, the amendments honourably reflect the concerns of the Public and Commercial Services Union, as did some similar amendments tabled in the other place. There are a number of broader issues at play, but to answer my hon. Friend the Member for Hayes and Harlington directly, we have sought to meet the points that have been made. I am grateful to him for his thanks for the meeting that we held. It is not the role of Ministers to interfere in trade union matters, and I know that he is not asking me to do that. He is asking me to ensure that policy is implemented. He asked for another meeting if circumstances arise during the discussions that make it necessary, and of course I will agree to one. I like to think that I and my colleagues always make ourselves available for meetings with Members of Parliament. It is not our job to interfere in the discussions between the management and the unions, but we hope that we will be able to reach agreement. Indeed, I am confident that we will.

Important assurances have been sought, and I think that I can give my hon. Friend the reassurance that he seeks. Only those who are immigration officers or other officials of the Secretary of State may be designated as general customs officials or customs revenue officials. Officials of the Secretary of State will include the current officers of HMRC once they have transferred to the UK Border Agency, but not the private contractors. I did not want private contractors to be so defined, so I hope that that answers my hon. Friend's second question and provides some reassurance.

The amendments would have two main effects. First, they would prevent the Secretary of State from designating immigration officers and other existing officials of the UKBA as general customs officials. Secondly, they would remove the director of border revenue's ability to vary the designation of customs revenue officials according to business need. Even though they would not, as seems to have been the further intention, prevent the director from designating immigration officers as customs revenue officials, the amendments would undermine the very point of bringing together the customs and immigrations functions, which everyone in Committee was agreed on, notwithstanding the differences raised over the police, which we covered in some depth.

The general problem is that we need to achieve that objective while ensuring, as my hon. Friend rightly says, that staff judge that the two functions have been brought together harmoniously.

The border force has been criticised for a lack of success in tackling crime, but I must reject that accusation. The new border force that we have in place already provides a team with a single purpose; it is a unified border force with a single strategy, a brand and an identity. It has the right blend of skilled and specialist staff who have defined career paths supported by a strong performance culture. The force has the flexibility to enable managers to focus deployment on priorities that matter to the public. We have stopped more than 14,000 attempts to cross the channel illegally and searched more than 400,000 freight vehicles. I was grateful to the hon. Member for Mid-Sussex (Mr. Soames) for his acknowledgement of the bravery and hard work of UKBA officials, who have seized in excess of £240 million of smuggled cigarettes, representing a loss of £45 million of tax revenue. They have seized £100 million of illegal drugs and taken 5,300 dangerous weapons, including firearms, off the streets.

The relationship between the police and the UKBA has been raised, and it was discussed in Committee. Without repeating what was said in Committee, I suppose that the argument comes down to what is the relationship between the existing police forces and the UKBA. Apart from the disruption that a merger would bring about, our fear is that it would make proper partnership working with the 43 police forces in England and Wales, the eight in Scotland and the force in Northern Ireland more difficult.

Andrew Mackinlay: I urge the Minister to reflect on this and to be cautious about listening to the advice of the Home Office police advisers who are drawn from territorial policing. The obvious parallel is with the British Transport police, which is a dedicated, specialist force that collaborates with the county and Metropolitan police forces, and that is what would and should happen if we had a proper, comprehensive, highly mobile police force incorporating the border force in our ports around the United Kingdom. It is just common sense, and the people who oppose that are jealous of safeguarding the old territorial jurisdiction of the Met and the county forces.

Mr. Woolas: I can assure my hon. Friend that we have looked closely into the matter. It has been the subject of an important debate. The Stevens report raised it, and it was also raised in the other place. The Public Bill Committee found that opinion is divided among police authorities and forces, including not just those with a vested territorial interest. My fear is that if we created such a force as a designated force either within UKBA or amalgamated it with existing officials, our ability to get the nationwide police forces to work with us as partners would be diminished, not increased. The very example that my hon. Friend gave proves my point. It is sometimes difficult to get local police forces to take part in our endeavours. Anyone who has had the good fortune of watching "Border Force" on Sky Television, produced in co-operation with the UKBA, will understand the wisdom of my words. The fact is that the situation is significantly improving.

I turn quickly to the points about the Independent Police Complaints Commission and the evidence of the chief inspector. The hon. Member for Carshalton and Wallington said that it was by chance that he gave evidence this morning. It was a fortunate chance from the point of view of his argument. Nevertheless, it does not take away from the point that France is France. We have had some improvements as a result of the debate in Committee and we are looking at a voluntary means of ensuring that inspection can take place with the same effect as the hon. Gentleman seeks. Progress has been made on that, but the legal point that I made in Committee remains the same.

Tom Brake: I welcome the fact that some investigations are being undertaken into whether a voluntary arrangement could be brought into effect. Can the Minister give hon. Members any more information about what is being considered, the time scales over which it is being considered, what in practice we might see and whether it is something that the House might be given the chance to consider in the future?

Mr. Woolas: As it happens, I have before me a note on that very point. In his evidence to the Home Affairs Committee, the chief inspector of the UK Border Agency made it clear that he was giving a personal view, and that the issue was a matter for Parliament; of course, he is right, and I respect him for that. He said that he thought that the IPCC should have a role wherever enforcement powers were exercised, and he did not think that the IPCC's remit should be curtailed by geographical boundaries. I think that that refers to the juxtaposed borders, which are in France. Just for the record, to answer the points made by the hon. Member for Ashford in quotes to the tabloid newspapers, we have not given £15 million to the French to police their own border; we are spending £15 million to police our border, which, with the agreement of the French, is in France, and thank goodness it is.

As I have said, the Government remain committed to securing appropriate oversight of all complaints and incidents. It has always been our intention that the IPCC should have a statutory role in relation to the UKBA only in England and Wales, just as it does in respect of the police and the other organisations that it oversees. However, there is an argument for introducing oversight of complaints relating to the exercise of specified enforcement functions by our officers at juxtaposed controls. Recently, following the Standing Committee debate on the issue, we wrote to the IPCC to inquire whether it would be content to consider having a non-statutory role in overseeing UKBA internal investigations into relevant matters at the juxtaposed controls. We await a formal response from it, but I understand that it is looking at the proposal positively.

It makes sense to get the experts in, but as I am sure that the hon. Member for Carshalton and Wallington appreciates, there are delicate matters relating to the French; they are tremendous partners in the endeavour that we are discussing, but we recognise the sovereignty of their soil.

Tom Brake *indicated assent.*

Mr. Woolas: I am sure that the hon. Gentleman agrees; he is nodding his assent. I am grateful to him for that. I believe that I have answered all the specific questions that were raised. Some of the debate was more general, but I hope that I have satisfied right hon. and hon. Members that we have considered the points that were made. I therefore ask the House to oppose the amendments that hon. Members have tabled, and to support the Government new clause.

Question put and agreed to.

New clause 2 accordingly read a Second time, and added to the Bill.

New Clause 8

TRANSFER OF CERTAIN IMMIGRATION JUDICIAL REVIEW APPLICATIONS

"(1) In section 31A of the Supreme Court Act 1981 (c. 54) (England and Wales: transfer from the High Court to the Upper Tribunal)—

(a) after subsection (2) insert—

"(2A) If Conditions 1, 2, 3 and 5 are met, but Condition 4 is not, the High Court must by order transfer the application to the Upper Tribunal.", and

(b) after subsection (7) insert—

"(8) Condition 5 is that the application calls into question a decision of the Secretary of State not to treat submissions as an asylum claim or a human rights claim within the meaning of Part 5 of the Nationality, Immigration and Asylum Act 2002 (c. 41) wholly or partly on the basis that they are not significantly different from material that has previously been considered (whether or not it calls into question any other decision)."

(2) In section 25A of the Judicature (Northern Ireland) Act 1978 (c. 23) (Northern Ireland: transfer from the High Court to the Upper Tribunal)—

(a) after subsection (2) insert—

"(2A) If Conditions 1, 2, 3 and 5 are met, but Condition 4 is not, the High Court must by order transfer the application to the Upper Tribunal.", and

(b) after subsection (7) insert—

"(8) Condition 5 is that the application calls into question a decision of the Secretary of State not to treat submissions as an asylum claim or a human rights claim within the meaning of Part 5 of the Nationality, Immigration and Asylum Act 2002 (c. 41) wholly or partly on the basis that they are not significantly different from material that has previously been considered (whether or not it calls into question any other decision)."

(3) In section 20 of the Tribunals, Courts and Enforcement Act 2007 (c. 15) (Scotland: transfer from the Court of Session to the Upper Tribunal)—

(a) in subsection (1), for the "and" at the end of paragraph (a) substitute—

"(aa) must, if Conditions 1, 2 and 5 are met, but Condition 4 is not, and", and

(b) after subsection (5) insert—

"(5A) Condition 5 is that the application calls into question a decision of the Secretary of State not to treat submissions as an asylum claim or a human rights claim within the meaning of Part 5 of the Nationality, Immigration and Asylum Act 2002 (c. 41) wholly or partly on the basis that they are not significantly different from material that has previously been considered (whether or not it calls into question any other decision).".'.—*(Mr. Woolas.)*

Brought up, and read the First time.

Mr. Woolas: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to discuss the following: new clause 6—*Right of appeal to court of appeal*—

'Section 13(6) of the Tribunals, Courts and Enforcement Act 2007 (c. 15) (right of appeal to court of appeal etc.) does not apply in relation to immigration and nationality appeals from the Upper Tribunal.'.

Government amendment 41.

Amendment 31, in clause 54, page 45, line 21, leave out paragraph (a).

Amendment 32, page 45, line 23, leave out paragraph (c).

Amendment 33, page 45, line 26, leave out paragraph (a).

Amendment 34, page 45, line 28, leave out paragraph (c).

Amendment 35, page 45, line 31, leave out paragraph (a).

Amendment 36, page 45, line 33, leave out paragraph (c).

Amendment 37, page 45, line 33, at end insert—

'(3A) Nothing in section 31A of the Supreme Court Act 1981 (c. 54) (England and Wales transfer from the High Court to the Upper Tribunal), section 25 of the Judicature (Northern Ireland) Act 1978 (c. 23) (Northern Ireland: transfer from the High Court to the Upper Tribunal) or section 20 of the Tribunals, Courts and Enforcement Act 2007 (c. 15) (transfer from the Court of Session to the Upper Tribunal) shall permit the transfer of any application where the application calls into question a decision under—

(a) the British Nationality Act 1981 (c. 61),

(b) any instrument having effect under an enactment within paragraph (a), or

(c) any other provision of law for the time being in force which determines British citizenship, British overseas territories citizenship, the status of a British National (Overseas) or British Overseas citizenship.'.

Amendment 38, page 45, line 33, at end insert—

'(3A) The Secretary of State must by affirmative order make provision for the transfer of fresh claim applications made under rule 353 of the Immigration Rules to the Upper Tribunal.

(3B) An order under the above subsection may not be made until after the Asylum and Immigration jurisdiction has been transferred to the First Tier Tribunal and Upper Tribunal.'.

Government amendments 42 and 43.

Amendment 25, in clause 59, page 47, line 39, at end insert

', provided this is no sooner than two years after the date of Royal Assent,'.

Government amendments 44 and 45.

Mr. Woolas: We now move on to the administration of justice, and judicial review in particular. In my opening remarks on the previous group of amendments, I mentioned our sadness, which I know is reflected across the House, at the death of Lord Kingsland at the weekend. He really was a superb politician who brought the best attributes of politics to his public service. He had a long and distinguished career in the areas of public policy, politics and the law. Indeed, I recall that he represented Stanley Adams, for those who remember that case. He was greatly appreciated in the Home Office. He genuinely improved our legislation by his scrutiny. His death at the weekend caused great sadness and was a great loss to the other place.

The amendments that we have brought forward reflect our discussions with Lord Kingsland to seek an accommodation of his concerns and those of Members in the other House. With their help, I think that we have managed to make a good job of that. The Government's position, as I explained to the Committee, was and continues to be that we should give the judiciary the powers that they need to manage cases in the best interests of justice.

The right hon. Member for Suffolk, Coastal (Mr. Gummer) expressed his frustration at a particular case, and I suspect that that reflected his frustration at other cases. Part of our objective is to ensure that the expert judges take the decisions. Judicial reviews often go above that level, or to the side of it, as some would put it. Part of our objective is precisely to ensure that it is the immigration judges, who have the expertise, experience and knowledge, who take the decisions. By that means, we are trying to address some of the frustrations felt by the right hon. Gentleman and, I am sure, other hon. Members; my hon. Friend the Member for Walthamstow (Mr. Gerrard) has raised similar frustrations with me on numerous occasions.

6.45 pm

In Committee, we reinstated the original judicial review clause to ensure that the judiciary has the necessary powers available to them. However, we said that we wanted to seek consensus on the Bill, so I am mindful of the views expressed in another place. New clause 8, amendment 25 and amendments 41 to 45 reflect the essence of the clause as it was when it left the other place. Concern was expressed about the timing of transfers of judicial review, and about overwhelming the upper tribunal. There were also differences on points of principle, but it is, I believe, recognised that the administrative court is under enormous pressure. We have made the case for the transfer of at least some cases. Fresh claims have been identified by the Lord Chief Justice as the most suitable class of case for transfer. I should explain to the House that a "fresh claim" is not a fresh claim; it is a renewed or refreshed claim.

The effect of our proposed new clause is that the Lord Chief Justice, with the agreement of the Lord Chancellor, will be able to order the transfer of judicial

review cases that deal with so-called fresh claims to the upper tribunal. Transfer of other cases, either on a case-by-case basis or on a class-of-case basis, will not be possible; that is the change to the earlier proposal. That will go a significant way, I believe, to alleviating the burden on the higher courts. Once the upper tribunal has established its ability to deal efficiently and effectively with fresh claims judicial reviews, the House may be persuaded that it should be able to deal with other cases, too, but that is a matter for another day.

Paul Rowen (Rochdale) (LD): In the light of what the Minister says, does he have estimates of the number of cases that will be transferred, and the number that will be left where they are?

Mr. Woolas: I thank the hon. Gentleman for his question; he goes to the heart of the matter. About 4,600 judicial review applications were made in the last year. Of those, about 900 related to the "fresh claims" class. That is a significant number, and I am advised that those 900 are the largest single class, but they are far from being the majority of claims, so his question is pertinent. The measure meets our objective of bringing us more into line with other tribunal services. It meets our objective relating to the good point made by the hon. Member for Broxbourne (Mr. Walker) about the speed and efficiency of decisions. It meets our objective of having the expertise available. It also allows the upper court to look at the other cases. It does not exclude their transfer to the upper tribunal. It just means that they must go via that route.

Mr. Walker: Can the Minister say how many cases are referred to judicial review each year?

Mr. Woolas: There are an incredible 4,600-plus applications. Around 85 per cent. of them are rejected. That backs up my assertion that some of them are an attempt to play the system. Of course we do not wish to deny justice or access to justice, and our proposals do not do so. That has been accepted. The hon. Gentleman is right: justice delayed is justice denied.

The new clause extends the same powers to the Lord Chief Justice in Northern Ireland and the Lord President in Scotland, in line with the procedures set out in the Tribunals, Courts and Enforcement Act 2007. It also provides that it cannot be commenced—the hon. Member for Ashford has tabled an amendment on the commencement provisions—until the asylum and immigration tribunal has been transferred into the first-tier tribunal and upper tribunal system established by the Tribunals, Courts and Enforcement Act. That was always the policy intention, which is why I am happy to make it clear in the Bill.

The amendments tabled by the Opposition address a number of points. Some are on similar lines to the Government's own amendment, so I cannot in all fairness resist them on policy grounds. Others limit the power to transfer judicial reviews in ways that we regard as unacceptable. The effect of new clause 6 and amendments 31 to 38 is that the Lord Chancellor cannot limit the test for appealing to the Court of Appeal. High Court judges must review every case before transferring them to the upper tribunal, and even then cannot transfer nationality cases—not until the asylum and immigration tribunal has transferred into the unified tribunal system.

As I said, I have no difficulty with this last point, which is covered in the Government's new clause. Similarly, the requirement under amendment 38 that the Secretary of State make provision for the transfer of fresh claims is unnecessary, first because we are committed to addressing the burden in the High Court as soon as possible, and secondly because such orders are not required to implement case-by-case transfer of cases. Amendment 25, however, would mean that the clause cannot be commenced until two years after Royal Assent. The burden on the higher courts exists now and we need to address it now. I understand the motive behind the amendments, but we need to get on with it.

Amendment 38 requires commencement by affirmative order. This is not necessary or desirable, if we are talking only about commencing the power to transfer a limited class of cases, as I said we are. The judiciary have made it very clear, and the other place has accepted in principle, that fresh claims cases should be transferred, which makes commencement by affirmative order unnecessary.

The other amendments cause considerable difficulty. Primarily, they would cause difficulty for the judiciary, who would be hampered in their ability to manage cases in the best interests of justice. Some of the amendments in the group are concerned with limiting the categories of case that may be transferred, and the Government amendments achieve much the same ends. Amendment 38 suffers from the same drafting difficulties as we have seen in previous amendments to the clause—applications are not made under rule 353 of the immigration rules; they are refused under it.

Requiring a High Court judge to consider every case before transferring it defeats the point of allowing cases to be transferred into the upper tribunal. This is not what the judiciary wants and it does not address the burden that the higher courts are facing. If there is to be any positive impact from transferring fresh claims judicial review cases into the upper tribunal, they should be transferred on a class basis, without the need for a High Court judge to scrutinise every case. That is what the judiciary have asked for and what the Government amendments provide. The Opposition amendments would take away any possible benefit from clause 54, and I therefore ask the House to consider carefully the real-world impact and therefore to resist them.

New clause 6 prevents the Lord Chancellor from making an order that restricts the test for permission to appeal to the Court of Appeal to that set out in the Access to Justice Act 1999. The Master of the Rolls supports this more restrictive test—it is not something that we are imposing on the judiciary against their will, as some had feared. We are clear that the test would not stop cases that raise important issues concerning human rights or asylum being granted permission to appeal to the Court of Appeal. That is a critical point, which came up in the other place.

The test would simply allow judges to refuse permission in cases where there was no important point of principle or practice and no other compelling reason to grant permission. It is preferable to have a single test for the hearing of appeals by the Court of Appeal, and we are satisfied that the amendment is not necessary to provide the protection for immigration cases, which we accept can raise important issues of life and liberty, although other appeals can also raise important issues. Again, I ask hon. Members to consider the impact of new clause 6.

Paul Rowen: The Minister makes an important point. Given the gravity of the statement that he has just made, will he write to Members with examples of how he sees that operating? New clause 6 was designed to ensure the safeguards that he says are not affected. If he could confirm that, it would go a long way to allaying many concerns that hon. Members have.

Mr. Woolas: I am happy to do that. I believe it would be helpful. One could say that I am giving in graciously. This is not the position that we started with at the beginning of the passage of the Bill. It is the consequence of the debate both in Committee and in the other place, and the discussions that we have had. I can assure the House that I have given Opposition and Cross-Bench peers access to advice from officials in a very open way, because the policy goal is to cut some of the delays that we have discussed. There is a consensus across the spectrum that that should be done, from those who want to see fair administration and justice for asylum seekers through to those who do not want any, if I may put it that way. Because the fresh claims category is the most significant class, although not the majority, I can support the compromise that has been proposed, and at the same time guarantee access to the Court of Appeal on a reasonable basis.

The test would allow judges to refuse permission to cases where there was no important point of principle, as I said. The write-round with examples that the hon. Gentleman has asked for is a helpful suggestion, because it will show hon. Members in this place and in the other place our intent.

The Government amendments represent the discussions that we have had, and I hope they are sufficient to address Members' concerns about which judicial reviews should transfer, and when. Although I am disappointed that we have not been able to go further, I believe this is a sensible way forward.

Judicial review applications represent the biggest significant class of case not just in immigration hearings, but in the higher courts, I am advised. Our constituents will not understand why 4,600-plus can be made and, in layperson's terms, clog up the higher courts, and that 85 per cent. of those can end up being refused, when access to a judicial review application can be made in the upper tribunal and heard by an immigration judge with the relevant expertise. There is a common-sense case for the measure, and it provides the guarantee of access to justice that hon. Members on the Government and Opposition Benches have sought, so I ask the House to support the Government motion.

7 pm

Damian Green: I thank the Minister for his warm and entirely justified tribute to Lord Kingsland, who died so suddenly and tragically at the weekend. His work on this legislation will serve as an exemplar for much of the very good work that he did in Parliament and elsewhere. It showed his concern that the legal system should provide justice and that the legislation that we pass through both Houses should promote justice. The Minister has taken on many of the arguments that Lord Kingsland employed, and that is a fine mark in his memory. I acknowledge that fact, and that the Government's new clause bears the imprint of his arguments.

As the Minister is aware, this is a vexed issue, but I sympathise with his attempt to strike a balance. We all agree that something must be done to ease the case load of the asylum and immigration tribunal. It is one of many things that are wrong with the system, and it promotes delay and, therefore, frustration. Indeed, part of the reason for the backlog is that poor initial decision making leads to a large number of appeals and to problems with cases that are being decided only on paper.

The Minister will be aware of those concerns, which he seeks to address in new clause 8, and of the Government's rush to transfer immigration cases to the new upper tribunal. It is barely up and running, but it cuts down access to the higher courts. The widespread feeling is that Home Office failings must not be compensated for by a lessening of appeal rights in those complex cases that involve human rights issues or constitutional principles, and that the inadequate handling of judicial reviews by an untested tribunal risks increasing the work load of the supervising court, the Court of Appeal, and reducing supervision at the Home Office.

Those are the issues that the Minister seeks to address, and he is aware that there is widespread agreement in this House and in another place that many cases from the immigration and asylum courts could be transferred satisfactorily to the new upper tribunal. We all agree that it would be an effective way of reducing the pressure on the administrative courts. He will be aware also that the Home Affairs Committee looked at the issue and did not object in principle to the upper tribunal considering cases that were neither highly significant nor complex. That is the balance that he needs to strike.

I have two specific points to make. First, Liberty made the point that

"removing the exception before assessing the performance and capacity of the newly established Tribunal is dangerously premature."

The Minister has sought to address that, but I hope that he will again reassure the House that there is no intention of moving too quickly to the new system, because, as Liberty argues:

"More frequently than in other spheres decisions regarding immigration and asylum applications engage fundamental rights."

Secondly, the Minister yet again brought up the point that 85 per cent. of judicial review applications fail, and the clear implication was that a large number are in some way frivolous, which is why they fail. He will be aware of his correspondence with the Immigration Law Practitioners Association, which disputes the factual basis of that point. In a letter to the Minister last month, the acting chair of ILPA said:

"Our experience is that many judicial reviews are not progressed because the decision that is being challenged (a decision of the UK Border Agency) is withdrawn or agreed to be reconsidered. In other words, many judicial reviews do not proceed because the claimant has succeeded in his or her challenge to the lawfulness of the decision without requiring the Court to consider the matter further."

If ILPA is right, the gloss that the Minister puts on the 85 per cent. figure is not right. It suggests that claimants are overwhelmingly in the wrong and have to give up because they cannot justify their case. ILPA makes the point that the opposite is true: often, the claimant's case is proved and they do not have to go through the whole judicial process. This is the ideal

opportunity for the Minister to address what seems to be a factual point. Where does the balance lie in that 85 per cent. figure?

While I still have those caveats, I am delighted that the Minister has recognised that strong arguments were advanced not only in another place but in Committee, that he has recognised those concerns, and that he has tried to deal with them in new clause 8. By and large, it represents an attempt to acknowledge the strength of those arguments, and I welcome the Government's change of mind.

Mr. Neil Gerrard (Walthamstow) (Lab): I speak mainly to new clause 6 and to Government amendment 41, which will remove clause 54. Some of the Minister's opening comments were very welcome, as were his reassurances about the safeguards that will be put in place. If he did as he suggested and put into writing something that everyone could see, with examples of how he expected the safeguards to operate, that would be helpful. He has, none the less, certainly provided me with considerable reassurance about how the system might operate.

I still have a few concerns, however. The hon. Member for Ashford (Damian Green) raised the first concern, which is about the timing of the changes. As recently as 2007, the Government accepted that the power to allow for the transfer of applications for judicial review in immigration and nationality cases would be expressly excluded because of their complexity and sensitivity. During the passage of what became the Tribunals, Courts and Enforcement Act 2007, the Minister in the Lords said on Report that before introducing any legislation to allow the transfer of judicial review applications in asylum and immigration cases, the Government wanted to see how the new tribunal regime would work. But we have not seen how the system works, and the introduction of the Bill before us—with clause 54—took place more or less simultaneously with the opening for business of the upper tribunal in the tribunal system. We have not had the chance to see properly how the system works before agreeing to the transfer. I therefore hope that the Minister will indicate his thoughts on the possible timing of a transfer of responsibilities, because we would not want it to happen prematurely—before the new tribunal system had bedded in and was capable of dealing with the undoubtedly considerable work load.

We have heard that we currently deal with a few thousand judicial review applications. If the bulk of that work load is to go to the upper tribunal, we need to be satisfied that it is functioning properly and capable of taking it on. Otherwise, we will just be shifting a blockage from one part of the system to another—from the courts to the upper tribunal—which would not achieve a great deal.

New clause 6 was intended to prevent the Lord Chancellor from introducing a restriction on the right of appeal to the Court of Appeal on the immigration and nationality law decisions of the upper tribunal. At the moment, the Court of Appeal will hear appeals from the asylum and immigration tribunal where the court considers that the tribunal's decision is arguably wrong in law or where the appeal appears to have a reasonable prospect of success. Those are the hurdles that have to be jumped in order to get a case into the Court of Appeal. I am sure that all of us who deal with immigration and asylum casework will have seen applications for judicial review put in that look as though they have remarkably little prospect of success and do not even try to argue a point of law. I am afraid that that is about lawyers making money from clients in a completely unjustifiable way by putting forward a case that they must know has very little chance of success.

If section 13 of the 2007 Act is brought into play, allowing the Lord Chancellor to add restrictions, what is then suggested is that there will be an extra condition—that an appeal would have to raise some further compelling reason or point of principle or practice. If immigration and nationality judicial reviews are to be transferred from the High Court to the upper tribunal, I assume that those restrictions could also apply there in terms of judicial reviews that were decided on by the upper tribunal. If this change goes ahead, I would like to be clear about whether it will mean not only that there is a transfer of judicial reviews to the upper tribunal, but that the extra hurdle will be in place, so that we do not simply say that a case is arguably wrong in law or has a reasonable prospect of success, but also that it must involve some further compelling reason or point of principle. It would concern me if we were to end up with that extra condition.

My final point concerns what the Minister said about fresh claims. I know from the debates in the House of Lords that the judiciary believe that there is no problem with transferring across fresh claims. They pointed out that only a very small proportion of applications for judicial review that are made as fresh claims get anywhere. Of the 900 or 1,000 cases in 2008 that the Minister mentioned, only a very small number were found to merit a substantive hearing. In the vast majority of applications that were argued as a fresh claim, the Court of Appeal decided that they did not deserve a substantive hearing. The judiciary obviously believe that they could be transferred, as a class, to the upper tribunal, and that would not raise any injustice. That still worries me a little bit. Although only a small number of the applications that are regarded as fresh claims lead to substantive hearings, I suspect that they are cases that raise important points, and it is those cases that one wants to be sure will be heard by High Court judges. At the moment, there is no guarantee that a High Court judge will be involved in hearing a case in the upper tribunal. Some High Court judges would be involved with the tribunal, but would they necessarily be involved in these cases?

In view of what the Minister said, I am not inclined to pursue new clause 6 to a Division, but I hope that he will follow through on the reassurances that he gave us. I also hope that in winding up he can say a little more about when he intends to bring in the changes. We need to be satisfied that the small number of fresh claims that will now not end up in the Court of Appeal will be dealt with by senior judges—High Court judges, if at all possible.

7.15 pm

Paul Rowen: I, too, pay tribute to Lord Kingsland for his work in the other place. We are seeing in tonight's debates the results of much of that work.

I welcome the Government's change of heart on many aspects of this part of the Bill. I agree with much of what the hon. Member for Walthamstow (Mr. Gerrard)

[Paul Rowen]

said about the changes that have been announced. We are concerned about a new tribunal that is only just operational and with no track record taking on the bulk of all judicial review cases to do with immigration and asylum. Can the Minister ensure that we get a report on the upper tribunal's first year of operation, say, before any new cases are transferred to it? There are still concerns about how it is going to operate, and there will need to be a learning curve. I accept, with the caveats that have been given, that the only immigration and asylum cases that will be dealt with are fresh claims. I hope that the Minister can assure us that we will not, at some later stage, without necessarily having recourse to this House, see the scope of that decision widened. We all want to ensure that where there is a case that can be answered, people have recourse to the courts to seek justice. The hon. Member for Ashford (Damian Green) referred to Liberty's point—many of these cases involve human rights issues—and it is a fundamental principle of British law that people have access to the courts when their human rights are threatened.

As the hon. Member for Walthamstow said, a very small minority of the 900-odd fresh claims that go to judicial review will then proceed further. How does the Minister envisage that in the minority of fresh claims cases that may be dealt with by the upper tribunal, where the person feels that they have not had their case dealt with by a senior judge, there will be proper recourse to the Court of Appeal so that the decision can be appealed? I am grateful to him for his assurance that he will explain how the safeguards in the new provisions will operate. There will not be a problem in the bulk of cases. We already know—this is why the judiciary want to see a change—that most applications for judicial review in fresh claim cases are dismissed. However, we need an assurance that the 3 or 4 per cent. of cases each year in which there is a genuine issue at stake will be dealt with properly.

The hon. Member for Ashford mentioned the point that the chairman of the Immigration Law Practitioners Association had made about the 85 per cent. figure. Certainly my experience is that when there is a solid case against a decision—usually when the UK Border Agency has not examined the information in front of it properly—UKBA's case collapses when judicial review is applied for. I do not want there to be a lack of proper recourse for someone affected to raise their points when UKBA has not dealt with information properly.

Given the assurances that we have received from the Minister and the promise of further information, we shall not press our amendments. We believe that the Government have listened to the debates both here and in the upper place. Given the safeguards that we have asked for, we feel that we can live with the Government amendments and new clause 8.

Mr. Walker: In bringing forward new clause 8, the Minister poses serious questions. Whose interests does the immigration appeal system serve? We have identified that it certainly serves the interests of lawyers, some of whom are not too reputable. We have identified that it sometimes serves the interests of those who bring appeals through lawyers, the immigrants who face removal from this country.

If one were to go out in my constituency and talk about new clause 8, there would be a view that the appeal system does not serve the interests of my constituents. I imagine that the case may well be the same in the Minister's constituency. There is a view out there that we are in a world of endless appeals. We in this place know that that is not the case, but it is the perception, and we are here to reflect the concerns of our constituents.

I am pleased that we are moving towards a system that accelerates the whole process of identifying whether someone has the right to remain here and, if we decide that they do not, then accelerates the process of their removal. If our immigration system is to secure the support of the majority, it has to be seen to reflect their concerns and aspirations. Our constituents are fair-minded people, and they want the law to contain certain safeguards so that if a wrong decision is made in the early part of the process, it can be overturned. What they do not want is a system that frustrates and thwarts their desire to ensure that those who have a right to remain in this country are allowed to remain, but that those who have no right to remain are removed quickly and humanely to the place from which they came here.

Mr. Woolas: I agree with the hon. Member for Broxbourne (Mr. Walker) on his last point. The issue is more difficult in the area of immigration and asylum, because while appeals are being awaited and the process is going on, in the real world people's circumstances change. They get married, have babies, change their location and so on. That means that the judicial system is asked to cope with a moving scenario. From the taxpayer's point of view, it is important that we have as efficient a system as possible, commensurate with access to fair justice.

Three issues have been raised in response to the amendments, and I wish to give the assurances that the House is looking for. I turn first to the question of timing, raised by the hon. Member for Ashford (Damian Green) and my hon. Friend the Member for Walthamstow (Mr. Gerrard), which is addressed by the amendments. We are now proposing that only fresh claim judicial reviews can be transferred as a class, and that will not happen until the asylum and immigration tribunal has transferred to the first tier and upper tier. Our expectation, although it is not down to us, is that that will take place about February next year, but the transfer of the AIT will require an affirmative resolution approved by both Houses. Before making an order to allow transfer, the Lord Chief Justice will need to take account of the capacity in the upper tribunal. The decision to ask for the order will be a matter for him, and it will also require the approval of the Lord Chancellor. That is our expectation of the timing, but it depends on the capacity being available.

Mr. Gerrard: That is very helpful, but may we also have an assurance about what information would come to the House before we were asked to make that order?

Mr. Woolas: I assume that my hon. Friend means information about the capacity of the tribunal service. I would make it my business to ensure that the explanatory memorandum, which I understand would be required, provided information on that capacity and on the points that had been made about the process.

Secondly, my hon. Friend made a specific point about section 13(6) of the Tribunals, Courts and Enforcement Act 2007. That section will not apply to judicial reviews. It will apply only if an appeal before the upper tribunal comes from a decision of the first-tier tribunal—if the case is on its way up, as it were. A judicial review decision is not a first-tier decision, so the section 13(6) test would not apply. My hon. Friend sought that important point of clarification.

Thirdly, my hon. Friend asked whether High Court judges should hear important cases in the upper tribunal. That will be a matter for judicial allocation, but the intention of having High Court judges in the upper tribunal is that they should deal with important cases. The right to make a challenge, about which the hon. Member for Ashford asked an important question, will still exist. One does not need the High Court process for that, because there will be the opportunity for a challenge in the upper tribunal or, critically, in the Court of Appeal. The proposals will cut out an unnecessary stage. As my hon. Friend the Member for Wirral, West (Stephen Hesford), whose expertise in this matter is well known, has pointed out, they will help the good guys, if I can put it that way.

The hon. Member for Ashford made an important point about that 85 per cent. figure and the letter from ILPA. As I have said, 85 per cent. of applications for judicial review are unsuccessful. It is true that some cases are withdrawn because UKBA has reconsidered its decision, sometimes after representations made by hon. Members and sometimes as a result of the re-examination of a decision. However, the number of cases withdrawn because the UK Border Agency has reversed its decision is small. Unfortunately, I do not have the figures available this evening, but I will write to the hon. Gentleman with them. Even if I conceded that the numbers were significant—I do not—that is an argument for the experts' tribunal, or upper tier, dealing with the requests under the new system, rather than the existing position, whereby delay, as my hon. Friend the Member for Wirral, West has said, is almost built into the system, as we clog up the higher courts.

7.30 pm

The hon. Member for Ashford asked whether judicial reviews by inexperienced upper tribunals would increase the work load in the Court of Appeal, because that access route will still exist. My previous point partly answers that, but it is also relevant to point out that the Tribunals, Courts and Enforcement Act 2007 limits the judiciary in upper tribunals who can deal with judicial reviews to High Court judges, Court of Appeal judges or other judges agreed between the Lord Chief Justice and the senior president. We are therefore confident that the quality of judges in the upper tier will be the best available. Again, part of our purpose is to get a more efficient system, to answer the point that the hon. Member for Broxbourne made.

I thank the hon. Member for Rochdale (Paul Rowen) for his comments. Let me be clear that the effect of new clause 8 is that the Lord Chief Justice, with the agreement of the Lord Chancellor, will be able to order the transfer of judicial review cases that deal with fresh claims to the upper tribunal. Transfer of other cases, either on a case-by-case basis or on a class of case basis, will not be possible. It will go some way towards alleviating the burden on the higher courts. Once the upper tribunal has established its ability to deal efficiently and effectively with the judicial reviews of fresh claims, and the process that I described in response to my hon. Friend the Member for Walthamstow has been fulfilled, the House may be persuaded that we should be able to deal with other cases, too. However, that is a discussion for another day and would require another Bill. It is the Government's view that that is desirable, but we must pass the tests first. I hope that that gives the hon. Member for Rochdale the reassurance that he seeks.

I think that we have a sensible understanding, so I am happy to recommend new clause 8.

Question put and agreed to.

New clause 8 accordingly read a Second time, and added to the Bill.

New Clause 1

ENTITLEMENT TO BRITISH CITIZENSHIP BY CERTAIN CITIZENS OF THE REPUBLIC OF IRELAND

'(1) After section 31 of the British Nationality Act 1981 (c.61) insert—

"31A Entitlement to British citizenship by certain citizens of the Republic of Ireland

(1) If a person born in the Republic of Ireland on or after 1 January 1949 gives notice in writing to the Secretary of State claiming to remain a British subject on either or both of the following grounds, namely—

(a) that he is or has been in Crown Service under the government of the United Kingdom; and

(b) that he has associations by way of descent, residence or otherwise with the United Kingdom or with any British overseas territory.

he shall as from that time be a British subject by virtue of this subsection.

(2) A person who is a British subject by virtue of subsection (1) shall be deemed to have remained a British subject from the date of his birth to the time when he became a British subject by virtue of that subsection.".'.—*(Andrew Mackinlay.)*

Brought up, and read the First time.

Andrew Mackinlay: I beg to move, That the clause be read a Second time.

Mr. Deputy Speaker: With this it will be convenient to discuss the following: new clause 3—*Amendment of the immigration rules relating to Gurkhas*—

'(1) The Immigration Rules, as laid before Parliament under section 3(2) of the Immigration Act 1971 (c. 77), are amended as follows.

(2) In Rule 276F (requirements for indefinite leave to enter the United Kingdom as a Gurkha discharged from the British Army) omit paragraphs (ii) and (iii).

(3) In Rule 276I (requirements for indefinite leave to remain in the United Kingdom as a Gurkha discharged from the British Army) omit paragraphs (ii) and (iii).

(4) Gurkhas discharged from the British Army prior to 1997 shall have parity with Commonwealth servicemen in terms of the requirements for indefinite leave to enter and remain in the United Kingdom.'.

New clause 5—*Consequences of failure to fulfil requirements for naturalisation*—

'Failure to satisfy the requirements set out in Schedule 1 to the British Nationality Act 1981 (c. 61) shall not exclude the possibility of the grant of a further period of probationary citizenship, or other immigration leave.'.

[Mr. Deputy Speaker]

New clause 7—*Exemptions to the application of Part 2*—

'Nothing in this Part shall affect an application for indefinite leave to remain in the United Kingdom or for British citizenship if it—

(a) has been submitted at any time in the 12 months after the commencement of this Part; or

(b) is made prior to the commencement of this Part.'.

Amendment 4, in clause 39, page 30, line 6, after first 'the', insert 'average'.

Amendment 5, page 30, line 10, after 'period', insert

', save that periods during which A was in the United Kingdom with leave other than that conferring qualifying immigration status shall be disregarded for the purpose of considering whether A had qualifying immigration status for the whole period'.

Amendment 1, page 30, line 13, leave out from 'abode' to end of line 14 and insert

', or a permanent EEA entitlement or refugee status or humanitarian protection;'.

Amendment 40, page 31, line 17, at end insert—

'(10A) After sub-paragraph (5) (inserted by subsection (10) above) insert—

(6) The Secretary of State shall exercise his discretion under sub-paragraph (ba) above in favour of individuals recognised as having a refugee status in the UK, so as to treat time spent awaiting the outcome of their asylum claim as time spent with a qualifying immigration status, unless there are exceptional reasons why he should not.'".

Amendment 7, in clause 40, page 32, line 18, after first 'the', insert 'average'.

Amendment 2, in clause 41, page 35, line 21, at end insert—

'(6) In the case of an applicant with refugee status or humanitarian protection—

(a) the number of years in the period is 5; and

(b) the activity condition is waived.'.

Amendment 22, page 35, line 21, at end insert—

'(6) Such prescribed activities may not include those activities that could be considered in the interests of a single political party.'.

Amendment 23, page 36, line 14, at end insert—

'(5A) None of the conditions in section 41(1) shall apply to anyone who entered the United Kingdom under the Highly Skilled Migrants Programme more than four years before the date of commencement appointed by the Secretary of State for Part 2.'.

Amendment 8, in clause 49, page 43, line 42, at and insert—

'(10) The following periods of absence from the labour market shall be disregarded for the purposes of establishing whether an applicant is or has been in "continuous employment"—

(a) periods of involuntary unemployment duly recorded by an employment agency or office lasting no more than six months,

(b) all authorised employment absences (whether expressly or by custom) including maternity and paternity leave, illness, temporary cessations of work and sabbaticals, and

(c) other periods of unemployment in circumstances where they have not resulted in the cancellation or refusal of immigration leave.'.

Government amendment 17.

Andrew Mackinlay: I will not detain the House long, but we have an opportunity, which the House will probably not have again for some years, to right a wrong, provide parity of treatment for people who are Irish, whether they deem themselves to be from Ulster—in which there are nine counties, not only six—or elsewhere and allow them to identify with their Britishness.

Why do I say "parity of treatment"? Ever since the concept of Irish citizenship was realised, it has been possible for people born in Northern Ireland to decide to take up Irish citizenship and have an Irish passport, or opt for United Kingdom citizenship. Increasingly, many opt for both. It is a matter of where they feel most comfortable and how they designate themselves. That has been position since Irish citizenship came about, and it is has been reinforced by the successful initiatives of Prime Minister Blair and Taoiseach Ahern, and their predecessors, John Major and the Taoiseach who was TD for Roscommon—his name will come to me in a moment. We had the Belfast agreement, the Good Friday agreement and the St. Andrews agreement, which put on an institutional basis the idea that people in Northern Ireland should be able to decide how they designate themselves.

However, the same does not happen for a relatively small minority, though not an insignificant number of people, who were born in the Irish Republic after the Oireachtas passed the Republic of Ireland Act 1948, which came into force on 18 April 1949. People born in the Republic of Ireland after that cannot designate themselves British. That is unfair, wrong and inconsistent with the practice for people who are born in Northern Ireland. I therefore believe that we should ensure parity of treatment.

Sammy Wilson: Does the hon. Gentleman agree that his point is made even more poignant by the fact that many people who live in the Irish Republic have brothers, sisters and other family members who have settled in Northern Ireland? The idea of being British, Irish or having joint citizenship is not therefore unusual for them.

Andrew Mackinlay: The hon. Gentleman is absolutely correct, but there is more to it than that. Let me explain my own position. I was born on 24 April 1949. Many of the children with whom I went to school were born after the relevant date and emigrated with their mum and dad to Greater London. Today, they would probably deem themselves Londoners—their accent, tradition, culture, background and schooling is London—yet they cannot opt to be British under the current position because they were born in Dublin, Donegal or Kerry. There are therefore people in Northern Ireland, but also in Greater London and some of the other great conurbations, to which there was a lot of post-war Irish immigration, who were born in the Republic after 18 April 1949, but cannot designate themselves British.

We are all proud of the fact the United Kingdom armed forces today include a significant tranche of recruits from the Irish Republic, particularly, though not exclusively, in the Irish Guards. Those young men serve in the United Kingdom armed forces and contribute a great deal. Many have made the ultimate sacrifice and distinguished themselves by their gallantry, yet they are prevented from being British.

I am not very up on contemporary music, but there are some distinguished show-business people, for example, Geldof, who were born after 1949, whose United Kingdom honours are prefaced with an explanation that they are honorary. That is a pity and it is also ludicrous. Somebody born before 1949 would be the real thing—an OBE or a knight and so on.

We need to rationalise the position. New clause 1 is in the spirit of all that has happened in bringing communities together and in recognising parity of esteem. Perhaps the Minister's brief will state that it would create precedents, but it would not. Our relationship with Ireland is sui generis—unique. That was reflected by Parliament in 1949, when it passed the Ireland Act. In the face of the Republic's declaration in the Oireachtas's 1948 Act—it unilaterally, but correctly decided that it wanted to be a republic—Clem Attlee's Government passed the Ireland Act 1949, which stated that people from Ireland would have total parity of treatment in the franchise and so on. Many people have served in the House who are Irish citizens.

Emily Thornberry (Islington, South and Finsbury) (Lab) *rose—*

Andrew Mackinlay: I suspect that we will hear from somebody who could claim Irish citizenship.

Emily Thornberry: I am going to do exactly that. I am an Irish passport holder, although I come from a background of dual heritage. I am proud of that, and I am proud to be a Member of this House.

Andrew Mackinlay: And I am very proud to have my hon. Friend as a colleague in the House, and I also hope that she sees my point. She has decided that she wants to hold an Irish passport and she is extremely proud of it, and she may be one of those people—including many people in the armed forces drawn from Northern Ireland—who holds passports of both the United Kingdom and Ireland.

Mr. Geoffrey Cox (Torridge and West Devon) (Con): The hon. Gentleman is making a very powerful case on an issue I was not aware of before he brought it to the attention of the House, and I am by no means unsympathetic to it. I wonder whether the hon. Gentleman can help me, however: what is to stop a person in the position he is delineating from applying for British citizenship in the usual way?

Andrew Mackinlay: Well, the usual way is long, contorted, expensive and downright irritating, and I just think that people born in Ireland are a one-off case. The Irish Republic citizenship laws allow people to claim citizenship if they have one grandparent who was born in Ireland—in the 32 counties—before 1949. Its citizenship laws are generous, therefore; all I am seeking is parity of treatment for folk born in the Republic after 1949 who want to claim United Kingdom citizenship.

Mr. Gregory Campbell (East Londonderry) (DUP): I am extremely grateful to the hon. Gentleman for bringing this issue and new clause before the House. He will recall that I attempted to push through a private Member's Bill along similar lines a couple of years ago. Is the difference he describes not even worse, in that some people in Northern Ireland who have never lived in the Irish Republic can apply and get an Irish passport, but those who were born in the Irish Republic and have lived 40, 50 or 60 years in the United Kingdom cannot get a British passport without going through the complicated procedure of applying for nationality?

Andrew Mackinlay: The hon. Gentleman is absolutely correct. I recall his private Member's Bill, and I hope that if we cannot succeed tonight, at least the Government will have an open mind if he or others introduce a comparable private Member's Bill to remedy this wrong. It is a source of irritation, and the remedy is not rocket science; it is merely providing parity of treatment.

I am conscious of the fact that the hon. Gentleman's constituency abuts Donegal, where there are many folk who are very proud of their United Kingdom traditions. This very weekend people paraded in Donegal in the Irish Republic, commemorating the battle of the Boyne and celebrating their membership of the Orange Order. I am not a member of that order—I think I would be disqualified from being a member—but I am very proud of the fact that that tradition is maintained in Donegal, where there are many people who are keen to hold on to their United Kingdom associations. We should meet that need and demand.

I promised the House that I would not labour the point. The hon. and learned Member for Torridge and West Devon (Mr. Cox) said that I have drawn his attention to a topic of which he was unaware before. That is part of the problem. The Home Office, and now the Ministry of Justice, have never really understood the complicated, but unique and extremely interesting, constitutional relationship between, and shared history of, the United Kingdom of Great Britain and Northern Ireland and the Irish Republic. Perhaps they should have understood it, however, because, after all, we are told that this legislation has emerged from a review by one of our former Attorneys-General. He was supposed to do an in-depth job, but this topic obviously never crossed his desk; it was not on the radar screen. My case is that it should have been, because many of our electors would be beneficiaries from this change. To provide it would be in the spirit of giving parity of treatment.

I ask the Minister either to accept my new clause 1, or at least to indicate—and not just for form—that its provisions might be taken on board if there is an early legislative opportunity to do so. That would be most welcome by a number of people living in England, Scotland and Wales, as well as folk in Northern Ireland, and particularly by people who were born in the Irish Republic and who are resident there but who are very proud of their historic traditions, through service in the armed forces or some other connection, which this House should recognise now.

7.45 pm

Damian Green: I am tempted to go down the route set by the hon. Member for Thurrock (Andrew Mackinlay), but I will resist that temptation and leave the Minister to respond to his points, because there are many very important amendments and new clauses in this group. I want to address three of them—and to do so fairly briefly, as there are further important groups to come.

In the current group, Government amendment 17 is key. The Minister needs to be able to answer the question whether it gives satisfactory treatment to all those who

[Damian Green]

were affected over the past few years by the High Court rulings, which the Government have lost, on the matter of retrospection, and in particular satisfy the House that he is being fair to those who have not yet applied for indefinite leave to remain on their route to citizenship, because that is what a lot of the amendment is about.

It is worth while setting out the Conservatives' attitude to citizenship in principle. We believe that UK citizenship is a privilege, not a right. Anyone who is here on temporary leave to remain should not assume that that gives them the right to remain here permanently or to become a British citizen. However, we need to be fair and reasonable. We also need to recognise that our country is competing with others around the world for highly skilled migrants who will benefit our economy—we all agree that Britain benefits from highly skilled migrants.

The Government's previous decision to change the rules so that highly skilled migrants who are already here and who want to stay are now disqualified from doing so is both unfair and wrong-headed. It is unfair because those people have made a commitment to this country but are having that flung back in their faces, and it is wrong-headed because it sends a signal to highly skilled people around the world that Britain is an unreliable place.

It is an indictment of the current Government that precisely the people whom we should be encouraging and supporting to come to this country are disillusioned by their efforts. As the Minister is aware, the Conservatives have consistently opposed the retrospective elements of the changes to the rules affecting highly skilled migrants. In 2006, his predecessor attempted to change the rules regarding indefinite leave to remain, citing the introduction of the points-based system. At the time, I helped deliver a petition to the then Prime Minister with 4,000 signatures of those opposing the rule change. Since those changes came into force, the highly skilled migrants programme forum has successfully challenged the Home Office in the courts. That was a three-year battle with massive and unnecessary attendant legal costs, but, in the end, the Home Office lost in the courts.

Chris Huhne: The hon. Gentleman says his party has consistently opposed these retrospective provisions, and we were very happy in the other place to support his party's noble Lords who tabled an amendment that would have removed those retrospective elements. Why has he now gone back on that in attempting to restrict the proposed change to the highly skilled migrant programme?

Damian Green: I had hoped that the hon. Gentleman was listening to my speech, in which I made the point that highly skilled migrants are particularly valuable to this country, and as he will be aware, the court case was specifically about those migrants. Those are the people in the frame, as it were, in terms of the Government's unfairness.

Chris Huhne *rose—*

Damian Green: I think we should make progress.

The Government have not learned from this and have tried to introduce in the Bill retrospective changes to the citizenship rules. As the hon. Gentleman has just pointed out, our colleagues in another place tabled an amendment and, again, the Government were defeated. I hope that the Minister might recognise that he has not just lost the court case and a vote, but he has also lost the argument; I hope we will hear from him on that. The key point is the date of commencement. That will establish whether there are remaining elements of retrospection in the Government's system. I will be interested to hear the Minister tell us when he proposes to apply the new rules.

One other amendment that I should speak to is our amendment 22, which concerns the activity condition. The Bill introduces an activity condition for qualifying for citizenship, but it is not clear what could be covered by it—it is not given, but left to be clarified in secondary legislation. There are a number of legitimate concerns to be expressed about what will be covered by that condition. We have seen some introductory documents from the Government, and there are a number of areas where many of us would have great concern about what might be involved. The proposals threaten to be both expensive and bureaucratic. Also, the broad term "activity" does not seem to be restricted to volunteering, which was the Home Office's original intention.

Mr. Humfrey Malins (Woking) (Con): My hon. Friend is absolutely right. I have read all the debates from the other place, and there is a lack of clarity about what is involved in terms of fairness and so on. It would therefore help if at some stage the Minister could tell us a little more about that.

Damian Green: Indeed. I completely agree with my hon. Friend. Genuine concerns arise about the type of activities that would count. There is a potential burden on the voluntary sector, and particularly on small charities. There could be huge demands for form-filling, and we understand that referees for applicants may even be fined. The Minister is proposing a national checking service, which would be a huge extra burden on local authorities, but it is not at all clear what will happen to the money from the migration impacts fund to offset some of those costs on local authorities. Altogether, the House is being asked to buy a pig in a poke with the current proposals.

The proposal that we are making in our amendment 22, almost as an illustration, is to prevent the prescribed activities that would count as activity—that is, those activities that would allow a two-year reduction in the time before someone was eligible to become a British citizenship—from including

"activities that could be considered in the interests of a single political party."

At a time when the reputation of politics is not particularly high, I shudder at the prospect, which is possible under the current legislation, of somebody turning up at a Member of Parliament's surgery and being told, "If you want to become a British citizen more quickly, I know what you can do—go out and deliver these leaflets for me." That would be absolutely appalling. It would be borderline corrupt if that were allowed by the legislation, and it would do democratic politics in this country no good either. That is an extremely important illustration of one of the things about the Bill that the Government have still got wrong, and we intend to test the mood of the House on that.

My final point is about new clause 3. I always hesitate to talk about the Gurkhas in front of the Minister, who has had some bruising experiences in connection with the Gurkhas over the past few months. However, it is important that on every occasion the House should check on the progress of the Government's promises, on the Gurkhas, which were extracted from them by their defeat in this House. This debate gives another opportunity to do that, and new clause 3 is an admirable way of providing it.

Mr. Gerrard: I shall address my remarks mainly to new clause 5 and amendment 8, which stand in my name, and then say a brief word about amendment 17.

Let me start with new clause 5 and what happens if someone fails to fulfil the requirements for naturalisation. What happens to somebody who is in the probationary stage of citizenship but then, for whatever reason, does not fulfil the criteria for citizenship? There may be cases where somebody decides not to go through the expense of making an application because they know there is a condition that they cannot fulfil. There will also undoubtedly be cases where people's applications are refused because they do not fulfil some of the relevant requirements and discretionary power has not been exercised in their favour. However, it is very unclear from the discussions on the Bill so far just what the consequences of that would be.

For instance, in relation to the continuous employment requirement, the earned citizenship team has told some organisations outside this place that a failure to comply with the employment requirements would lead to removal. However, it has been suggested in other discussions about various aspects of the Bill that a failure to meet a requirement might just lead to the resetting of the clock on probationary citizenship to zero, to a further period of probationary citizenship or even to the option to switch to a different category, such as the points-based system.

There is an issue if people do not know where they stand if, for some reason, they cannot fulfil the requirements. It is important that we should know as clearly as possible what the consequences of that failure might be. It would therefore be helpful if the Minister could give us some clarity about that, although I realise that it will not be easy because there are so many different requirements that someone might not fulfil.

The second issue that I want to address is that of continuous employment, which is dealt with by amendment 8, which stands in my name. Amendment 8 tries to define continuous employment. Again, we are talking about clarity. The Bill as it stands uses the term "continuous employment", but does not define it. If a consequence of not fulfilling the relevant requirement is that someone could be removed, that could be quite serious. Amendment 8 tries to define "continuous employment" in a way that corresponds roughly with the points-based system. At the moment, a tier 2 worker who has leave lasting under six months will not lose their status when their employment is terminated, and there are more generous provisions for tier 1 workers. However, what happens if there is a break in employment, which might in no way be the responsibility of the person concerned? The employer for whom they are working might go bankrupt, which would mean they would have to try to find another job under the terms of their work permit.

The other issue that concerns the TUC and a number of other unions is the scope for exploitation of those who are here as migrant workers. If a migrant worker is in an abusive employment situation, but is frightened that giving up that job may lead to their removal from the UK, that makes it much more difficult for them to extricate themselves from that exploitative situation. That is particularly important for women and disabled people. We know that exploitation goes on in the labour market and that the most disadvantaged, such as migrants, are often its victims. I therefore hope that the Minister can give us some reassurances about how the system will operate. He said something in Committee about people being able to work for up to 60 days when they were looking for new employment, but again the issue is one of certainty. If someone in the middle of their term of employment does not know with clarity what the consequence will be of either a period of unemployment or trying to change their employer if there is abuse, that will leave them in a difficult situation.

My final point is about Government amendment 17. This amendment is an improvement on what was suggested before, because it gives some protection to people who are in this country. It clearly protects those with indefinite leave when the new procedures commence, as well as those who have applied for indefinite leave before the commencement date.

It has already been pointed out that a key factor will be the commencement date. I have heard various dates mentioned, including, most recently, the summer of 2011, as opposed to the original proposal of late 2010. This will be important, given the retrospective nature of the legislation. If we know the commencement date, we will have a fairly clear idea of who might be affected by the provisions. For example, someone who is here on a marriage visa that is valid for two years might expect to get indefinite leave to remain here towards the end of that two-year period. If we knew that the commencement date was going to be in the summer of 2011, we would know that anyone who was already here on a two-year marriage visa would be in a position to get indefinite leave before the new provisions came into play.

8 pm

Certainty will be important in this context. We have heard the arguments about what happened to the highly skilled migrants programme. The problems arose because of the retrospective nature of the programme, and because people who had come here expecting that they would be able to apply for indefinite leave after four years were suddenly told that the requirement had changed to five years. That led to the High Court case that the Home Office lost. None of us wants to see a return to the High Court.

I wondered whether it might be possible to table an amendment to Government amendment 17 in order to introduce more certainty, but that might result in our picking and choosing in a way that the Conservative amendment does when it singles out the highly skilled migrant programme. I understand the arguments that the hon. Member for Ashford (Damian Green) was making on that, but those are not the only people who would be affected, and they are not the only ones who need to be safeguarded from retrospection.

My reading of the condition in amendment 17 which states that a commencement order "must include" provisions about various dates is th. ' that would not preclude the

commencement order from including other provisions. The way seems to have been left open for the order to include other provisions that could provide other protections if necessary. That is an important point, which I hope that the Minister will address. I hope that he will confirm that my interpretation is correct. If it is, and if a commencement date might still be a little time off, we could have a serious discussion in the interim about exactly what provisions ought to be included, rather than trying to write them all into the Bill now and, almost inevitably, finding that we had left out a particular class of people who need protection against retrospection.

I hope the Minister will give us some assurances on that last point, and on the points that I have raised in relation to new clause 5 and amendment 8. I am not seeking to press the new clause or the amendment to a vote, but I would like some assurances about the way the new citizenship provisions will operate. There is real concern outside this place about the delays that they might introduce, about the length of time that people might have to wait before they can acquire their citizenship, and about the uncertainty involved. The uncertainty over how the system will operate probably concerns people more than anything else. There is nothing worse than having a system that is full of uncertainties about how it will operate.

Chris Huhne: I am pleased to follow the hon. Member for Walthamstow (Mr. Gerrard), and to support amendment 8 for the reasons that he has just given. I am also pleased to speak in the same debate as the hon. Member for Thurrock (Andrew Mackinlay), who said some very sensible things about new clause 1 concerning citizens of the Republic of Ireland. I know from my recent constituency experience attending the Eastleigh and District Irish Association dinner dance that that proposal would affect many people across the country, and it deserves support for that reason if no other.

I shall speak in support of new clauses 3 and 7, and amendments 4, 5, 1, 40, 7, 2 and 22. Those provisions all concern the new requirements being imposed by the Government in relation to British citizenship and naturalisation. The new path that the Government are laying out amends provisions on naturalisation in the British Nationality Act 1981. This overhaul is well intentioned and is broadly something that we can support, but it has resulted in certain aspects to which we object and which we seek to amend.

I will start with our two new clauses. New clause 3 aims to enshrine in law the policy changes that the Government agreed to implement on 21 May with regard to Gurkhas who had retired from the British army before 1997. The Government have agreed to this and, as I understand it, have implemented the policy change announced in the Home Secretary's statement of 21 May. The reason that the new clause is still necessary is that the policy change amends only the guidance used to implement the immigration rules. Guidance, as we know, is not legally binding. It is subject to the discretion of civil servants who are not bound to follow it, and it can be amended at the whim of this or any subsequent Executive. That is simply not good enough. We need something more solid and less transient.

Amendment 40 addresses the issue of asylum seekers and their qualifying period for citizenship. As things stand, many asylum seekers face long waits to have their cases resolved. The delay in dealing with their cases is not their fault; it is the Government's fault, and the Government should make concessions to rectify this, rather than penalising them for problems of the Government's own making.

Keith Vaz (Leicester, East) (Lab): Will the hon. Gentleman give way?

Chris Huhne: I will happily give way to the right hon. Gentleman.

Hon. Members: No! He has not been here for the debate.

Keith Vaz: I have been following the debate on the monitor.

Today the Home Secretary gave evidence to the Select Committee. Last week, the head of the immigration and nationality directorate did so. It costs £650 million for the Government to service the backlog of immigration cases. Does the hon. Gentleman believe that it would be in the interests of all concerned if that backlog could be cleared so that all these cases could be processed quickly?

Chris Huhne: I entirely agree with the Chairman of the Home Affairs Select Committee. I know that he has made this issue an important cause, and I support and pay tribute to his stressing this point.

Let me turn to issues relating to retrospective application. Our new clause 7 seeks to limit the retrospective application of part 2 of the Bill. It would protect migrants already on the path to citizenship from having their requirements for citizenship changed at the last minute. It would give a 12-month grace period for any migrant seeking to apply for indefinite leave to remain, after and before the commencement of the Bill. Neither the Government's nor the Conservatives' amendments seek to redress the unfairness and injustice that part 2 will inflict on the many people who have embarked on the path towards settlement with the expectation of gaining indefinite leave to remain.

Government amendment 17 is an improvement on their previous proposals, but it is too narrow in its application, as it restricts the time period for migrants to obtain indefinite leave to remain status. The Conservative proposal is just as worrying, as it discriminates in favour of those who have entered this country via the highly skilled migrants programme. It implies that those who work in the UK on work permits, or who are highly skilled but did not enter through the highly skilled migrants programme, have not made as valuable a contribution to the UK, and so are not entitled to a grace period while finishing their citizenship process.

To make matters worse, clause 39, the Lords amendment that our new clause seeks to replicate, was a Conservative amendment proposed by Baroness Hanham. In the Lords debates, more than one Conservative peer spoke vehemently on this subject, recognising the injustice inherent in part 2. By collaborating with my Liberal Democrat colleagues, the Conservatives managed to defeat the Government on this. One can imagine our shock when, in the Commons Committee stage, we discovered that a strange line had been drawn by the Conservatives to separate highly skilled migrants from other migrants, giving one group—oddly enough,

arguably the wealthier group—preferential treatment. Their amendment ignores hard workers, it ignores spouses and it ignores basic human rights.

The morality behind our new clause 7 is simple: there needs to be transitional protection for all migrants already on the path to citizenship. It is unfair to alter the rules for those who have already adhered to them by lengthening the qualification period and throwing in other provisos such as active citizenship. That is, in principle, what the High Court found on 6 April 2009—that it is unlawful to increase the qualifying period for indefinite leave to remain from four to five years for people who were already in the UK on the highly skilled migrants programme. Surely the same logic should apply here: fair play means not moving the goalposts in the middle of the game.

Let me deal finally with volunteering activity. The rest of our amendments are linked to the provisions for active citizenship and continuous employment. While the Liberal Democrats do not object to the idea of earned citizenship as a whole, the Government provisions for active citizenship and continuous employment have created more problems than solutions. We have thus tabled these amendments as an attempt to remedy the problem.

Mr. Gummer: I wish merely to support the new clause presented by the hon. Member for Thurrock (Andrew Mackinlay). I believe that it proposes a necessary change to support a fair system with respect to Ireland. I am sorry that our Front Benchers did not support it. We in the Conservative party have a great deal to live down in our treatment of Ireland, and the new clause provides one way we could do so.

Mr. Woolas: Let me try to respond to the points raised. New clause 1 was debated first, so let me explain the situation with that.

Section 31(3) of the British Nationality Act 1981 currently provides for British subjects born in the Republic of Ireland before 1949 to make a declaration to retain the British subject status they acquired at birth. The new clause seeks to extend that provision to those born after 1949. I shall not repeat the historical background that my hon. Friend the Member for Thurrock (Andrew Mackinlay) has already covered.

Before 1 January 1949, southern Ireland was part of the Crown's Dominions. Anyone born in that territory therefore acquired British subject status at birth. On 18 April 1949, southern Ireland became an independent republic outside the Commonwealth, although for nationality purposes, that change effectively took place from 1 January 1949. As such, southern Ireland's British subjects were deemed to have ceased to be British subjects on 1 January 1949, when the British Nationality Act 1948 came into force. A person born in southern Ireland would retain that status automatically only if he or she became a citizen of the United Kingdom and colonies or a citizen of a newly independent Commonwealth country.

Section 2 of the 1948 Act provided that a citizen of Eire who was a British subject immediately before 1 January 1949 could retain that status by making a claim in writing to the Secretary of State under certain conditions. That provision was replaced by section 31(3) of the British Nationality Act 1981, which allows those born in the Republic before 1949 to make a claim in writing to remain a British subject under certain conditions.

The new clause will effectively extend these provisions to those born in the Republic of Ireland after 1 January 1949. However, as the Republic effectively ceased to be part of the Crown's Dominions on that date, British subject status could not have been acquired by birth there after that date. The new clause would not therefore allow those born after 1949 to elect to retain British subject status, as they would never have held it in the first place.

The status of British subject continues to exist in British nationality legislation as a result of Britain's historical legacy. However, the only people who hold that status are certain people with a connection to southern Ireland, or with India and Pakistan. As such, the numbers holding that status will reduce over time and we do not wish to create a new route to British subject status. Those Irish nationals who were born after 1949 and wish to become British citizens can do so through naturalisation, based on a period of residence in the United Kingdom.

We do not believe that it would be right for Irish nationals who do not have British subject status to be treated any differently from those of other nationalities, including, of course, other European economic area nationals, who are required to demonstrate an ongoing connection with the United Kingdom through residence, settlement and knowledge of English and of life in the United Kingdom.

8.15 pm

Andrew Mackinlay: None of this material that the Minister is rehearsing contradicts what I said. If he reads the *Official Report* tomorrow, he will find that I told him the history. He is now getting full marks for getting it correct, having listened to what I said. The issue remains, however, the parity of treatment. The fact is that in one part of the United Kingdom it is possible to opt either way or have both; it is a matter of our relationship with Ireland and the fact that the people born in the 32 counties of Ireland are unique. It is not comparable to the European Union, or to Pakistan and India; it is a one-off. As to all this business about naturalisation, it is a gross impertinence that folk have to go through this long, tortuous and expensive process to do what is simply common sense and perfectly just.

Mr. Woolas: I am sorry that my hon. Friend did not listen to what I, in fact, said rather than what he has assumed I was saying. What I said in respect of his new clause, not in relation to the general policy issue, is that it is not possible to allow those born after 1949 to retain British subject status as they did not have it. That was my simple and logical point, irrespective of one's view on the justice, morality or otherwise of the issue.

My hon. Friend says that those born after 1949 who have emigrated from the Republic of Ireland and come to Britain cannot opt to be British. That is simply not the case. He may not like the route, but the fact is that a child born in the Republic who moved to the UK when a child—presumably with his or her parents—can naturalise as a British citizen under section 6(1) of the 1981 Act, or, if the parent who acquired citizenship was registered as a British citizen when still a child, it can be done under section 1(3) or 1(4) of the 1981 Act.

[Mr. Woolas]

My hon. Friend asks what is to stop a person applying in the usual way, and the answer is nothing. What is also different is the fact that the Republic of Ireland is also a member of the European Union, which has changed since 1949, so that represents an important difference.

Sammy Wilson: I think the Minister has missed the point. The new clause is really a request for a reciprocal arrangement to the one that exists for people who live in the United Kingdom and want to claim Irish citizenship. For them, there is an easy route. All the new clause is requesting is that that easy route be available in the other direction. That is why this is a unique situation: people who wish to have Irish citizenship have a method by which they can get it quickly, so to reciprocate in the other direction seems to me to be fairly sensible.

Mr. Woolas: I am sorry the hon. Gentleman thinks I have missed the point, but I think I have exactly addressed the point, by saying that there is an available route. I do not accept that it is a difficult route. Indeed, many hon. Members have made representations to the effect that EU membership citizenship is too easy to get. If that is the case for other EU countries, hon. Members would presumably think it was the case for the Republic of Ireland.

Let me deal briefly with new clause 3. The House will not be surprised to know that I shall ask it to resist the amending provision. We believe that the revised policy on the situation of the Gurkhas meets the concerns of Parliament on the issue. It is not open to civil servants dealing with applications to disregard the published policy; it is established case law that policy must be followed and it would be unlawful not to give effect to it. The policy we now have follows the commitments given by the Home Secretary, following the vote in the House of Commons, and I can confirm that officials are, of course, following it. The policy provides certainty that the Ghurkhas discharged before 1997 will be allowed to apply for settlement.

The proposed amending provision would also have the effect of altering the position of those Gurkhas discharged after 1 July 1997. The logic of the distinction between those who served pre-1997 and those who served after was recognised by the High Court, as it is recognised by common sense. The problem is that the new clause would make the rules for Gurkhas since 1997 inconsistent with those of Commonwealth soldiers. It was that principle that the campaign was trying to establish.

In the context of new clause 5, my hon. Friend the Member for Walthamstow (Mr. Gerrard) raised the important question of what would happen if an application for probationary citizenship failed. Given that the Bill relates to citizenship—not to settlement, which is covered by other Acts and rules—the answer is that citizenship would not be granted. Status is covered elsewhere, under settlement rules.

As my hon. Friend said, there would be several options for those affected. If a person with permanent residence applies for British citizenship and the application fails, that will not affect that person's permanent residence status. That is probably the category about which he is most concerned. If a person with probationary citizenship applies for citizenship, it will be open to that person to apply for permanent residence once he or she has accumulated the right amount of qualifying leave, as set out in clause 41. It will also be open to the Secretary of State to grant further probationary citizenship. What will happen to the individual concerned will depend on his or her settlement rights—backed up by the European convention—rather than citizenship rights.

Hon. Members on both sides of the House have raised the important issue of transitional arrangements. I told the Committee that I would return to the issue. The original clause 39 was found not to be acceptable. I trust that Government amendment 17, tabled in the name of my right hon. Friend the Home Secretary, alongside assurances that I intend to give the House will address the concerns raised by hon. Members about transitional arrangements. I am also announcing today that, as part of our package of transitional measures, we have decided that to give those who are currently in the UK on a route to settlement time to adjust to the new system, we will allow the earned citizenship provisions to commence in July 2011.

Robert Key (Salisbury) (Con): I thank the Minister on behalf of members of the Malayalee league community in Salisbury, who make a very valuable contribution to the economy of the country.

Mr. Woolas: I am grateful to the hon. Gentleman for that comment.

I believe that I said on Second reading—I certainly said it in Committee—that I support the idea of transitional arrangements. The court ruled on the highly skilled migrants programme. Of course we accepted that, and I personally accept that in such cases there is a reasonable expectation for application for status. That is not the case in the other categories, as we established in Committee. The precedent set in court established that there is no reasonable expectation in law. However, we understand the point that has been made.

New clause 7 attempts to reinstate much of the old clause 39. It would provide for a one-year period after commencement in which migrants may apply for indefinite leave to remain or for citizenship under the current rules. I explained in Committee why part 2 is not an appropriate context in which to deal with applications for indefinite leave to remain. I hope that hon. Members will understand why clause 39 was removed in the first place, and why it is preferable to amend clause 59. I believe that I can provide the assurances that have been sought.

Mr. Gerrard: Can my hon. Friend respond to the question that I asked about what could be in the commencement order?

Mr. Woolas: Yes, I can. Let me explain. This is a very important matter for many of our constituents.

Amendment 23 seeks to deal with those who arrived here on the highly skilled migrants programme. I explained in Committee that the Government would of course honour obligations under the judgments to allow HSMP migrants covered by the judgments of the court to apply for indefinite leave to remain. We do not accept that HSMP migrants have a legitimate expectation to be able to apply for citizenship as amendment 23 suggests.

but I hope that after I have explained our proposed package of transitional arrangements, the hon. Member for Ashford (Damian Green) will accept that they are fair and will not press the amendment to a vote.

I am happy to accept that some provision in the Bill is desirable to provide sufficient clarity and assurance in relation to any transitional provisions. That is the point on which the hon. Gentleman pushed me. Other matters are set out better and in more detail in the commencement order giving effect to part 2.

Government amendment 17 requires the commencement order giving effect to the earned citizenship provisions in the Bill to set out transitional arrangements for certain groups. We have made clear in legislation that people who apply for citizenship before the earned citizenship provisions are commenced will be treated under the current system—that is, they will not be subject to the earned citizenship provisions. We have also made it clear that people who already have indefinite leave to remain when the earned citizenship provisions commence, and people who apply for ILR before the provisions commence and whose application is successful, will be eligible to apply for citizenship under the current system, provided that they apply within two years of commencement. That deals with the point made by the hon. Gentleman in Committee.

For the avoidance of doubt, let me reassure the House that although Government amendment 17 does not specifically make provision for migrants with a pending application for ILR submitted but not decided before the rules are changed following commencement, those people will have their ILR applications considered under the existing rules. The law requires that. As I have said, the Bill is not the appropriate place to set out transitional arrangements for applications for ILR, and I am making this statement on the record in order to provide clarity.

I believe that, taken together, the Government amendment and the statement I have just made about how we will treat applications for ILR meet the intention behind new clause 7(b). On that basis, I hope that I have satisfied the House that the transitional arrangements are fair.

Finally, there is the issue of continuous employment. I gave assurances to the Committee that sensible arrangements could be made. I said that if people lost their jobs through no fault of their own, they would be given reasonable opportunities—commensurate with employment law, as agreed in the Employment Acts—that would provide the flexibility that they sought.

I hope that I have answered hon. Members' questions and that I have made the proposed amendments that I undertook to make in Committee. My hon. Friend the Member for Walthamstow asked me to confirm the situation regarding the commencement order. The amendment prevents us from doing anything more restrictive in the commencement order regarding those individuals whom it covers. It does not prevent us from extending the protection by making further transitionals for other groups. I hope that that satisfies him.

Andrew Mackinlay: With the leave of the House, Madam Deputy Speaker, I beg to ask leave to withdraw the clause, because I am looking forward to hearing about the common travel area.

Clause, by leave, withdrawn.

Chris Huhne: With the leave of the House, Madam Deputy Speaker, given the Minister's assurances, we withdraw new clause 7.

Madam Deputy Speaker (Sylvia Heal): That has not been moved, but I understand what the hon. Gentleman is saying.

New Clause 3

AMENDMENT OF THE IMMIGRATION RULES RELATING TO GURKHAS

'(1) The Immigration Rules, as laid before Parliament under section 3(2) of the Immigration Act 1971 (c. 77), are amended as follows.

(2) In Rule 276F (requirements for indefinite leave to enter the United Kingdom as a Gurkha discharged from the British Army) omit paragraphs (ii) and (iii).

(3) In Rule 276I (requirements for indefinite leave to remain in the United Kingdom as a Gurkha discharged from the British Army) omit paragraphs (ii) and (iii).

(4) Gurkhas discharged from the British Army prior to 1997 shall have parity with Commonwealth servicemen in terms of the requirements for indefinite leave to enter and remain in the United Kingdom.'.—*(Chris Huhne.)*

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The House divided: Ayes 189, Noes 270.

Division No. 200] **[8.30 pm**

AYES

Abbott, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Ames, Mr. David
Arbuthnot, rh Mr. James
Baker, Norman
Barker, Gregory
Barrett, John
Beith, rh Sir Alan
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Blunt, Mr. Crispin
Bone, Mr. Peter
Boswell, Mr. Tim
Breed, Mr. Colin
Brokenshire, James
Brooke, Annette
Browne, Mr. Jeremy
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burt, Lorely
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clifton-Brown, Mr. Geoffrey
Corbyn, Jeremy
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Nadine
Drew, Mr. David
Duddridge, James
Dunne, Mr. Philip
Evans, Mr. Nigel
Fabricant, Michael
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Gale, Mr. Roger
George, Andrew
Gidley, Sandra
Gillan, Mrs. Cheryl
Goodwill, Mr. Robert
Grayling, Chris
Green, Damian
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hancock, Mr. Mike
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip

Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Horwood, Martin
Hosie, Stewart
Howarth, David
Howarth, Mr. Gerald
Howell, John
Huhne, Chris
Hunter, Mark
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Knight, rh Mr. Greg
Kramer, Susan
Lamb, Norman
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Leech, Mr. John
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lilley, rh Mr. Peter
Luff, Peter
Mackay, rh Mr. Andrew
Malins, Mr. Humfrey
Marshall-Andrews, Mr. Robert
Mason, John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, Dr. Alasdair
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Miller, Mrs. Maria
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Murrison, Dr. Andrew
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Ottaway, Richard
Penrose, John
Pickles, Mr. Eric
Price, Adam
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, rh Mr. Peter
Rogerson, Dan
Rosindell, Andrew
Rowen, Paul
Ruffley, Mr. David
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Simmonds, Mark
Simpson, Alan
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Streeter, Mr. Gary
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Dr. Richard
Teather, Sarah
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Vaz, rh Keith
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Weir, Mr. Mike
Whittingdale, Mr. John
Wiggin, Bill
Willetts, Mr. David
Williams, Hywel
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Wilson, Sammy
Winterton, Ann
Wishart, Pete
Wright, Jeremy
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Tom Brake and Mr. Roger Williams

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Janet
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Balls, rh Ed
Banks, Gordon
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blears, rh Hazel
Blunkett, rh Mr. David
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Cabom, rh Mr. Richard
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Cleiland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Cook, Frank
Cooper, Rosie
Crausby, Mr. David
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Fisher, Mark
Fitzpatrick, Jim
Fiello, Mr. Robert
Flynn, Paul
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hamilton, Mr. Fabian
Hanson, rh Mr. David
Harris, Mr. Tom
Havard, Mr. Dai
Healey, rh John
Henderson, Mr. Doug
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon

Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McFadden, rh Mr. Pat
McGovern, Mr. Jim
McGrady, Mr. Eddie
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, rh Mr. Mike
O'Hara, Mr. Edward
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Jamie
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Singh, Mr. Marsha
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thomberry, Emily
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Wood, Mike
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. Frank Roy and Mary Creagh

Question accordingly negatived.

Amendment made: 15, page 19, line 23, leave out clause 25.—*(Mr. Woolas.)*

Clause 50

COMMON TRAVEL AREA

8.45 pm

Paul Rowen: I beg to move amendment 14, page 44, line 4, leave out clause 50.

Madam Deputy Speaker: With this it will be convenient to discuss the following: amendment 46, in clause 59, page 47, line 31, leave out '50 (Common Travel Area),'.

Amendment 47, in schedule, page 50, leave out lines 4 to 6.

Paul Rowen: Amendment 14 would remove clause 50, which deals with the common travel area. I understand that the Minister is to make a statement on this matter, so I shall sit down to hear the good news.

Mr. Crispin Blunt (Reigate) (Con): I had planned to gild the lily of my arguments in Committee, which were sadly rejected—*[Interruption.]*

Madam Deputy Speaker: Order. There are far too many private conversations going on in the Chamber. Will Members who are not wishing to listen or participate please either leave or keep their conversations low?

Mr. Blunt: Thank you, Madam Deputy Speaker. As I was saying, I had planned to gild the lily of the arguments that I made in Committee, which were sadly rejected by the Government. Given the lateness of the hour and the amount of time left for this debate, it would probably be inappropriate to restate things. I am afraid that right hon. and hon. Members who want to see the arguments in detail will have to look at the Committee *Hansard*. I do not think that the arguments on either side have changed substantially. The Government have had a month to reflect on them, and I hope that we will get a different answer today. I look forward to listening to the Minister reply to the debate.

Mr. Woolas: I thank the hon. Members for Rochdale (Paul Rowen) and for Reigate (Mr. Blunt) for their constructive attitude. Let me explain where we are.

The Government are disappointed, as am I, that we have not been able to persuade the other place of the need for the clause. We think that the UK's security requires some amendments to the common travel area. *[Interruption.]* This is my statement, which I have had typed up.

I believe that the Committee *Hansard* shows that the argument was won by the Government, although it is clear that the hon. Member for Reigate does not think so. As I argued there, and as my noble Friend Lord West has argued in the other place, we think that this issue is important. For example, just one week of activity at a limited number of UK ports revealed 158 immigration offences via the CTA.

Paul Rowen: Section 14 of the Police and Justice Act 2006 would require carriers to provide information on travellers who were not holding a UK or Irish passport. Does he agree that if that were implemented, it would be a much simpler way of securing our borders?

Mr. Woolas: We believe that that is part of the answer. Implicit in the hon. Gentleman's suggestion is an acceptance that there is an issue that needs to be addressed, and I am grateful to him for that. There is no miracle cure to the problem. We believe that the limited and proportionate measure that we put forward would make a difference, but that is for the future. The fact is that we have to face some hard and immediate truths.

Sammy Wilson: Travellers from Northern Ireland are UK citizens, but what the measure that the Minister describes as "limited and proportionate" would mean that all of them would be treated as non-UK citizens, even when they travel within the UK. Leaving aside the practical difficulties, does he accept that there is a real political difficulty with that? If the clause were to go through, a large section of people who regard themselves as UK citizens would be treated as though they lived outside the UK.

Mr. Woolas: I do not accept that. That argument shows the misunderstanding of the proposal. If the hon. Gentleman bears with me, I think that he will find that the answer gives him some satisfaction.

I have to face some hard immediate facts. The provisions of part 1, on which we have broad consensus, enable the formal establishment of a properly joined up border force, bringing together immigration and customs officers at the frontier. I believe that we need to get on with that, to complete the staff transfers and to draw out the real benefits of joint working. It is also fair to say that the Government have listened and compromised on the Bill, which started in the other place, as we have taken it forward. I have made significant changes on the nationality issues in the other place. I have listened to the concerns on the transitional measures, and I think that what I have proposed is the fair way forward. We have also reached agreement on judicial review.

However, there can be no compromise on the option of the common travel area. We either make this necessary change now, or we do not. I have therefore decided to accept the Opposition amendments to clause 50 this evening. We are committed to the policy and we will examine the options going forward. It is clear to me from the discussions that we have had that the clause is not acceptable across the Floor of the House, and is not acceptable to the other place. Therefore, I intend to support the Opposition amendments.

Paul Rowen: I am grateful to the Minister for that agreement. The common travel area has existed since 1922. It was enshrined in law in the Immigration Act 1971, and it recognises, as the hon. Member for Thurrock (Andrew Mackinlay) said earlier, the strong bond and link between the Republic of Ireland and the United Kingdom of Great Britain and Northern Ireland. So I am grateful to the Minister for accepting our amendment.

Amendment 14 agreed to.

Clause 54

TRANSFER OF IMMIGRATION OR NATIONALITY JUDICIAL REVIEW APPLICATIONS

Amendment made: 41, in page 45, line 18, leave out clause 54.—*(Mr. Woolas.)*

Clause 55

TRAFFICKING PEOPLE FOR EXPLOITATION

Madam Deputy Speaker: We now come to amendments 26, 24, 28, 29 and 39.

Mr. Blunt: On a point of order, Madam Deputy Speaker. Amendment 14 tabled by the Liberal Democrats, which was debated in Committee and signed by us and has just been agreed to, requires amendments 46 and 47 in order for the legislation to hang together.

Madam Deputy Speaker: The hon. Gentleman is correct, but they come later in the proceedings.

Damian Green: I beg to move amendment 26, page 46, line 9, at end insert—

'(1A) In section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19) (trafficking people for exploitation), after section 4(5) add—

"(5A) The Secretary of State shall publish a code of conduct to guide Entry Clearance Officers in their treatment of applications which they suspect involve human trafficking."'.

Madam Deputy Speaker: With this it will be convenient to discuss the following: amendment 24, in clause 56, page 46, line 39, at end insert—

'(5A) The Secretary of State shall collect and publish statistics regarding detention of children during the relevant period, on a regular basis.'.

Amendment 28, page 46, line 39, at end insert—

'(5A) The Secretary of State has a duty to ensure that children held in detention centres—

(a) have access to counselling;

(b) have access to English language classes; and

(c) receive education classes that are equivalent to what they would be entitled to if placed in state school education.'.

Amendment 29, page 46, line 39, at end insert—

'(5A) The Secretary of State shall collect and publish monthly statistics regarding the detention of children, including figures relating to, the number of children detained, the average length of period in detention, and the number of children with the same family in detention, their ages, nationalities and where they are detained.'.

Amendment 39, page 46, line 39, at end insert—

'(5A) The Director of Border Revenue and the Secretary of State have a duty, in the need to safeguard the welfare of children, to ensure that dawn raids are not used to—

(a) remove and/or deport families with children, who are failed asylum seekers or illegal immigrants; or

(b) remove and/or deport children of failed asylum seekers or illegal immigrants.'.

Damian Green: I am glad that we have a brief time to discuss an extremely important part of the Bill and the extremely important issue of human trafficking, and the action that we wish the Government to take to stop this particularly vile trade. I wish to speak in particular to amendment 26, in which we seek to establish that the Secretary of State should have a code of conduct to guide entry clearance officers in their treatment of applications for entry which they suspect involve human trafficking.

We have discussed some issues in the past couple of hours that deeply divide the two sides of the House. I know that human trafficking is not one of those. The Minister will feel as strongly as I do that we should end the practice of human trafficking. One of the things that has, sadly, led to Britain becoming one of the destination countries for human traffickers is the widespread recognition that Britain's borders are not secure enough. That, along with this country's prosperity and the relative ease of illegal working here, is why Britain has become a destination for human traffickers.

We Conservative Members believe that it is impossible to tackle the overall issue of crime in the UK effectively without addressing the problems at our borders. We know that human traffickers target Britain, and we know that there are various particularly pernicious forms of human trafficking. It is often part of the sex industry, and there has been a staggering and deeply depressing increase in the percentage of prostitutes in this country who are young women trafficked from abroad, either from eastern European countries just beyond the edge of the European Union, or from Africa.

There is a real problem, as was illustrated just today, when we discovered the details of a Home Office report that included research carried out as long ago as 2006, although for some reason it has not come to light until today. I always seek to be balanced, so I will give the Minister one quote from the *Daily Express* and one from *The Guardian*. The *Daily Express* says:

"Criminals are convinced that Britain's border controls are 'soft' and that police are tolerant of the vice trade, according to a Home Office report".

The Guardian, perhaps even more seriously, says:

"Corruption and bribery were mentioned by a range of interviewees involved in smuggling and trafficking as a means of smoothing the passage into the UK".

I know that the Minister will be as concerned—indeed, disturbed—as I am at the thought that there are serious, organised, international criminals who believe that bribery and corruption can be used to smooth the way into the UK. *[Interruption.]* The Minister seeks to intervene from a sedentary position. As I say, there is, I think, nothing much that divides us on the need to combat human trafficking more effectively. Our amendment is one way of taking a step forward on that. He knows that I would urge on him much other activity in that sphere, but I should like to give him a chance to say something on this important issue, so I shall end my remarks.

Keith Vaz: I, too, would like to hear what the Minister has to say, so I shall be brief in supporting the hon. Member for Ashford (Damian Green). The amendments are sensible. I think that there is unity across the House on the need to deal with the traffickers of human beings. I will seek to catch your eye on Third Reading, Madam Deputy Speaker, but shall say now that it is important that we have a code of conduct that will better inform entry clearance officers of their responsibilities in dealing with those who have been trafficked. There are other amendments in the group that deal with the welfare of children; they, too, are sensible, and I hope that the Minister will accept them.

Paul Rowen: I will be brief. I wish to speak to amendment 29, which stands in my name and the names of my hon. Friends. On the issue of the collection of data on children held in custody and in detention centres, in Committee, the Minister undertook to update us on Report with further information with regard to publication and plans. I would be grateful if he dealt with those points, either now or on Third Reading.

Mr. Woolas: Time is limited. I undertake to answer the specific questions on Third Reading, if I catch your eye then, Madam Deputy Speaker. With regard to the research that has been published, let me be clear that it is based on interviews with people who have been caught, convicted and imprisoned. It is therefore evidence that the system was working, whatever the response from the interviewees in that research, which is, in any event, now out of date.

Very briefly, the spirit of amendment 26 is well intentioned. We agree with it, but we have problems with the wording. On amendment 24 dealing with statistics on children in detention, I hope to explain the progress that has been made in regard to this important area—

9 pm

Debate interrupted (Programme Order, 2 June).

The Deputy Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83E), That the amendment be made.

Amendment 26 negatived.

The Deputy Speaker then put forthwith the Questions necessary for the disposal of business to be concluded at that time (Standing Order No. 83E).

Clause 58

EXTENT

Amendment made: 42, page 47, line 22, leave out '54' and insert

'[Transfer of certain immigration judicial review applications]'.—*(Mr. Woolas.)*

Clause 59

Amendments made: 46, page 47, line 31, leave out '50 (Common Travel Area),'.

Amendment 43, page 47, line 37, leave out '54 (transfer of immigration or nationality judicial review applications)' and insert

'[Transfer of certain immigration judicial review applications] (transfer of certain immigration judicial review applications)'.

Amendment 17, page 48, line 11, at end insert—

'(8A) An order commencing sections 39 to 41 (acquisition of British citizenship by naturalisation) must include provision that the amendments made by those sections do not have effect in relation to an application for naturalisation as a British citizen if—

(a) the date of the application is before the date on which those sections come into force in accordance with the order ("the date of commencement"), or

(b) the date of the application is before the end of the period of 24 months beginning with the date of commencement and the application is made by a person who falls within subsection (8B) or (8C).

(8B) A person falls within this subsection if on the date of commencement the person has indefinite leave to remain in the United Kingdom.

(8C) A person falls within this subsection if the person is given indefinite leave to remain in the United Kingdom on an application—

(a) the date of which is before the date of commencement, and

(b) which is decided after the date of commencement.

(8D) The reference in subsection (8A) to an order commencing sections 39 to 41 does not include an order commencing those sections for the purpose only of enabling regulations to be made under the British Nationality Act 1981 (c. 61).'.

Amendment 44, page 48, line 24, at end insert—

'( ) No order may be made commencing section [Transfer of certain immigration judicial review applications] (transfer of certain immigration judicial review applications) unless the functions of the Asylum and Immigration Tribunal in relation to appeals under Part 5 of the Nationality, Immigration and Asylum Act 2002 (c. 41) have been transferred under section 30(1) of the Tribunals, Courts and Enforcement Act 2007 (c. 15).'.—*(Mr. Woolas.)*

Schedule

REPEALS

Amendments made: 16, in page 49, leave out lines 6 and 7.

Amendment 47, page 50, leave out lines 4 to 6.

Amendment 45, page 50, leave out lines 11 to 15.—*(Mr. Woolas.)*

Third Reading.

9.1 pm

Mr. Woolas: I beg to move, That the Bill be now read the Third time.

I would like to put on record my thanks to Members of the House for the work that they have put into scrutinising the Bill. I commend the many valuable contributions from Members on both sides of the House. Perhaps I may draw a veil over the less constructive points. The Committee on the Bill was particularly helpful, and its proceedings were conducted in exactly the right atmosphere and manner in which a Bill should be scrutinised. I thank the Chairs of the Committee and the officials who have been involved in the different parts of the Bill, the Public Bill officials, *Hansard*, and the Whips, who ensured that the Bill had smooth passage through Committee and on the Floor of the House.

The Bill is crucial to the future development of the UK Border Agency. I hope that its speedy enactment, subject to the agreement of the other place to our amendments, will enable the transfer of 4,500 customs officers from HM Revenue and Customs to UKBA. We want that to happen as soon as possible. That will mark a milestone in the reform of the way in which we protect our borders. The reform of the immigration system will be given yet more impetus, as I indicated earlier in answer to my right hon. Friend the Member for Birkenhead (Mr. Field), by the publication of proposals for consultation on a points-based system and by the publication of the draft immigration simplification Bill, which I know we are all eagerly awaiting, in the autumn.

The Bill is already making important changes to our nationality and immigration laws, and I have been grateful for the opportunities afforded to the Government, in the Chamber and the other place, fully to examine and explain their proposals and the intentions behind them. Principal among them are the proposals on earned citizenship, important debates which concern the affect of our laws on people's lives, aspirations and entitlements. Such debates enable us, as I have done today, to set out a new path to citizenship that makes a reality of the pledge to ensure that those who wish to become British citizens earn that right, to enable them better to get on in life and to do so in the context of the recognition by the indigenous population that those immigrants are here legally and with a positive purpose. I believe that we have achieved an important consensus on that issue.

Concerns have been expressed by Members in this House and the other place about the transitional arrangements, and I hope that they have been satisfied this evening. Our intention is and always has been to make fair and reasonable transitional arrangements, and, in response to the debates in this House and the other place, I have made the changes that we discussed earlier today. I have therefore made a commitment to commence earned citizenship no earlier than July 2011, and placed in the Bill clear assurances, first, that people who apply for British citizenship before the earned citizenship provisions are commenced will be treated under the current law; and, secondly, that the transitional arrangements on the commencement order must allow for citizenship applications that are made within two years of commencement by those who have indefinite leave to remain on the date of commencement, or by those who are granted ILR following an application pre-dating commencement, to be considered under the current law.

I am hugely pleased with the success of the measures in parts 1 and 2. They enable change that the public want; stronger borders, with a single, integrated customs and immigration check now possible; and clear rules for those who want to settle in the United Kingdom. There have also been some important small changes in parts 3 and 4: the studies clause, which strengthens the points-based system by tying those on student visas more firmly to their sponsoring institution—a measure that our constituents strongly support—as well as the clause that will speed up the fingerprinting of foreign criminals and facilitate their deportation; and the extension of the power of detention at port in certain circumstances by immigration officers in Scotland, to help support the police in fighting crime.

I also welcome the duty to safeguard and protect the welfare of children, which imposes that important principle at the centre of the UK Border Agency's work. On a further issue of consensus, agreement was reached in the other place on the new clause on trafficking, which amends the definition to include those who traffic children. A specific point was made a moment ago about the statistics, and we are on course to be able to include them in the August bulletin. It was argued that Members wanted not just the snapshot of the numbers that we currently provide, but the average—a median and a mean, if I remember my schoolboy statistics correctly—in order to provide a better picture, and the independent Home Office statisticians are on course to be able to provide what the House needs.

I do not wish to reopen the debate about the common travel area, because I made my proposal a moment ago. I believe that there is an unfortunate loophole in our border security and it is obviously incumbent on the Government to find a means of closing it that is acceptable to Parliament. That is what we will seek to do.

One of the most important changes in the Bill is that to the judicial review process, and I hope that their lordships accept the proposals. I again pay tribute to the noble Lord Kingsland, who worked tirelessly on the issue and, indeed, on many other pieces of Home Office legislation in a constructive and positive manner. The clause restricts the transfer of judicial reviews to "fresh claims". It is a strange description for that category of claims, because they are not in fact fresh—but I never really wanted to be a lawyer in any event. Lord Kingsland's thinking was an important part of our underlying considerations in tabling the amendment.

In today's debates, in Committee, and on Second Reading, the Bill has been criticised as being yet another piece of immigration legislation. The House should consider two important points in that regard. First, immigration law necessarily changes as a result of responding to changing circumstances—changes in global situations, in movements of people, and in the activities of those who are not well-intended towards our country. Many of the provisions in the Bill are in response to events.

Secondly, the laws that we pass in this place have a direct impact on many people's lives. Even the announcement of an intended consultation on a piece of immigration law has a direct impact on people and causes changes in their behaviour, not just in this country but around the world. The substantial changes to immigration policy that have been introduced in the past two years represent the first concerted, serious attempt to put in place a managed migration policy in the United Kingdom. It is important that we do that in a way that does not have unintended consequences, not only in law but indirectly, in terms of people's behaviour. One always finds such changes in behaviour as a result of proposed legislation. That is partly why I have been keen to try to build a consensus on the Bill, and I believe that we have done so, by and large. I am grateful to the House for that support.

The Bill is now in the right shape to send it back to the other place, where it started. It is therefore my pleasure to commend its Third Reading.

9.12 pm

Damian Green: I echo the Minister's thanks to all the officials who dealt with the Bill. That meant that technically its passage was smooth, even if in other ways it was less so; I also echo his remarks in that respect.

I think, most unfashionably, that in this case we can give about two and a half cheers for parliamentary procedure. It is pretty unfashionable to say that Parliament works and does its job, but it is unarguable that the Bill that has emerged at this stage is considerably better than the Bill that was originally introduced in another place. Significant improvements, both big and small, have been made to it in each House. To that extent, we can all feel reasonably satisfied with the work that has been done over the past couple of months.

The most recent and most dramatic example of that is the Minister's retreat on the common travel area, but the way he explained that means that I wish to return to it in a moment. We should also pay tribute to him for retreating on the retrospection clauses on highly-skill migrants, and others, and their moves towards citizenship. That is a welcome improvement. On the changes to judicial referrals, he rightly and generously paid tribute to the work of Lord Kingsland, which, again, I echo. I am glad that the House has reached an appropriate compromise that protects the interests of those who may have genuine cause for concern about the legal procedure, while not clogging up the courts, to repeat the legal phrase that the Minister used earlier.

I am glad that the Minister was able to confirm that he will be able to produce proper, useful statistics on the number of children in detention. As he is aware, that was the subject of one of the key amendments that Conservative Members tabled in Committee. It was good of him to say that that was the appropriate and right thing to do, and I am glad that he has confirmed that on the Floor of the House. Overall, after those significant changes, we should offer thanks to the Minister for presiding over that range of retreats with grace and good humour. I am aware that being a Minister at the moment requires a sense of humour, and I am delighted that he has kept his throughout the proceedings and at all other times in the past few months.

Keith Vaz: I intervene at the risk of breaking this wonderful consensus between the two Front Benchers, which I have not witnessed very often between them. It is not quite mutual admiration, because the hon. Gentleman was not lavished with praise, although maybe he will be in the remainder of the debate. Does he share my concern about how the Minister dealt with his points about the report on the Home Office and human trafficking, and the allegations that were made? Does he agree that it is important that even though those allegations relate to 2006, they ought to be investigated seriously?

Damian Green: I very much agree with the right hon. Gentleman, and I was going to come to that later. We had a greatly truncated debate about trafficking, about which I share his concern. As he says, I have lavished the Minister with praise, but I now wish to express deep concern about some matters. Before I come to trafficking, I begin with the common travel area.

Although the Minister has withdrawn the Government's original proposal and accepted an amendment to remove it, which is welcome, he used the word "necessary" to describe the Government's proposed changes and said that he proposed to return to them later. That struck me as a clear signal that we are not out of the woods and that the common travel area is still under threat. It is therefore worth rehearsing some of the arguments that won the day in another place. I agree with my hon. Friend the Member for Reigate (Mr. Blunt) that they also won the day in Committee.

The Government's proposals, which the Minister has just described as "necessary", are offensive in principle to many of our fellow citizens. They are reckless with regard to the constitutional implications for Britain's relations with its dependencies, and if they were ever implemented, which he said he still intended to do, they would prove ineffective. He knows that the practical application of them would be fatally undermined by the fact that the land border between Northern Ireland and the Irish Republic is simply not policed. That is for good, historic reasons that we all know, but it means that it is simply non-existent as a security barrier.

Paul Rowen: I accept the hon. Gentleman's point about the argument not having been made. Given that 15.4 million people travel between the UK and the Republic of Ireland annually, my calculation is that if there were a 30-second passport reading, that would take up some 2,500 man days, or person days. Does he believe that that shows the whole process would be completely unworkable?

Damian Green: Certainly, at no stage has any Minister made the case that the process would not cause huge inconvenience to travellers on some routes. Almost before considering that practical stage, it is worth asking whether the security aspects that the Government pray in aid are themselves practical. I do not believe they are.

Mr. Woolas: I do not wish to reopen the argument, but our proposals to amend the common travel area are based on our belief and strong advice that third-country nationals are using a route into the United Kingdom through the Republic of Ireland with criminal and malicious intent. Do the official Opposition accept that or not? If they do, do they have proposals as to how we should deal with it? Can we therefore have a discussion about potential amendments to how we police and secure our border?

Damian Green: I am not aware that the Government have produced convincing evidence about the loophole in our defences. I know that the Irish Republic has taken considerable steps to improve its border security in recent years and that the Minister approves of those measures. *[Interruption.]* We do not oppose the principle of e-Borders, as the Minister knows. He keeps repeating that canard—he knows it is not true, but he cannot resist repeating it. We object to the deep inadequacies in the implementation of e-Borders. He cannot have it both ways. If the Irish Republic is introducing a system that he supports and making its border effective, he cannot at the same time claim that there is a huge loophole, which threatens the security of this country, especially as he has made no proposals to change the status of the land border between the Republic and the UK in Northern Ireland.

Mr. Woolas: Sometimes we have a more interesting debate after the votes than before them. Let me be clear: the Conservative Opposition rely on the Republic of Ireland's border security measures to secure the United Kingdom. Those measures include electronic borders. The Conservative Opposition have substantial problems—I accept that they do not oppose the idea in principle—with our e-Borders, so their solution to the loophole is to rely on a foreign country's system of border control, which they do not accept for the United Kingdom.

Damian Green: The Minister wilfully misunderstands. We do not completely rely on the Republic of Ireland. As the hon. Member for Rochdale (Paul Rowen) pointed out, the Government have passed legislation, which, if implemented, would significantly affect precisely the people they are trying to keep out. However, they have not implemented it.

Chris Huhne: It seems extraordinary that we are now hearing from the Government Benches about apparent threats to national security, when we maintained an open border with the Republic of Ireland throughout the troubles, when we faced serious terrorist threats. The Good Friday agreement, for which I pay due tribute to the Government, means that that threat has been removed, yet they now propose ending the common travel area. That is astonishing and absurd.

Damian Green: I agree. The Minister should stop digging, because his warnings of what not taking the steps that he wants would mean for the security of this country are becoming ever more apocalyptic. If he genuinely believes that, he should argue his case. He should take it back to the House of Lords. However, having lost a vote there, he has given up and caved in. That suggests he does not believe that the security threat is as big as he has just claimed.

Mr. Woolas: The answer to the hon. Member for Eastleigh (Chris Huhne) is that the loophole has not occurred because of the Good Friday agreement. Smuggling drugs and other illegal objects through the Republic of Ireland is happening because of the stronger measures that we have established in UK ports. Hon. Members are more than welcome, if they wish, to have access to briefings from police and security forces to convince them of that. I have decided not to include a provision in the Bill because, despite the evidence of the 8,000 clandestine and illegal routes through the Republic of Ireland given in the other place, for other reasons—I do not impugn the hon. Gentleman's motive—the Opposition decided to oppose it.

Madam Deputy Speaker: Order. I have allowed some leeway, but as hon. Members know, Third Reading is about the content of the Bill.

Damian Green: I am grateful for [illegible]nce, Madam Deputy Speaker, although I am sure [illegible] will admit that your generosity and latitude was rewarded by some interesting exchanges. We have discovered a lot recently, and, in rapidly closing the out-of-order part of my speech, I simply say that, although the Minister mentions evidence, the only evidence that he has produced so far is a newspaper cutting. That is frankly not convincing.

Mr. Peter Bone (Wellingborough) (Con): I am a member of the all-party group on trafficking of women and children and we have called for the setting up of a commissioner in this country, so that we can have a proper assessment of human trafficking, and proper evidence can be provided before any decisions are made.

Damian Green: My hon. Friend, along with my hon. Friend the Member for Totnes (Mr. Steen) and many other Members on both sides of the House and in both Houses, do very good work on that group, and I am glad that some of the Bill's measures will actually help in the fight against human trafficking. The Minister will be aware that we have been urging him to greater activity in this regard. We spent some time urging the Government to sign up to the convention against human trafficking, which they then did. They have now ratified it, and we can only hope that as a result of some of the measures in the Bill, this country will do better in combating trafficking than it has done in recent years.

In saying that, I am not seeking to make a partisan point, as I am conscious that any British Government would have had problems with the explosion in trafficking in the past few years. However, I hope the Minister will take on board what I and the right hon. Member for Leicester, East (Keith Vaz), the Chairman of the Home Affairs Committee, have said. There were stories in today's newspapers about a three-year-old Home Office report that suggested that the traffickers regarded Britain as something of a soft touch and thought they could use bribery and corruption to ply their criminal trade in this country and to smuggle people into it. That is hugely disturbing. I very much hope that the Minister can give some reassurance to the House that that report is being acted on. Frankly, it should have been acted on some years ago, but if it has not been, can he give us some reassurance that he is acting on it now?

We welcome the improvements in the Bill—there have been four significant ones that will help. However, sitting back and looking at the Bill even in its improved state, I think it is clear that it is still a fairly incoherent mixture of measures, some of which will be mildly useful, some of which will be mildly damaging, but none of which will address the scale and size of the crisis in our immigration system over recent years.

As has been said, we have an immigration Bill almost every year. I calculate that there have been eight of them under this Government; the hon. Member for Eastleigh (Chris Huhne) always makes it nine.

Chris Huhne: Eleven.

Damian Green: The hon. Gentleman makes it 11; at some stage we must sit down and work out which he thinks are immigration Bills and which I do not think are. Either way, we have had at least enough, if not too much, such legislation, of which this Bill is the latest in a long line, that has not been matched by any significant increased effectiveness in the immigration system. Today, the Minister has heard Members from all parts of the House complaining about delays, routine incompetence and the unfairness caused by the administrative problems in the system, and he will be aware that unless and until the Government get to grips with those, the public confidence in the system will not be restored.

The other significant fact about the Bill is how small it is, especially when compared with the ambitions for it when it was first mooted. Last summer, the then Home Secretary published a huge draft Bill that was going to be all-encompassing and that would simplify and sharpen up the system. Over the subsequent months, that Bill melted. What was left was a small remnant of that Bill—a haphazard mix of a few ideas, some of which might help a little, others of which are fairly meaningless. Some were simply absurd, although I am glad to say that some of the more absurd have now disappeared.

However—this is almost the most serious charge—the Bill is also a missed opportunity. Part 1 deals with functions at the border. The failure to tackle the porousness of Britain's border has resulted in the disastrous rise in organised immigration crime that this country faces. We cannot tackle crime generally in the UK effectively without addressing the problem of our porous borders. We on the Conservative Benches believe that our borders can be better policed, preventing significant amounts of illegal immigration, as well as cracking down on people trafficking and weapons and drugs smuggling, by setting up a national border police force.

Keith Vaz: The hon. Gentleman will have noted in *The Times* today that a second report has emerged, from the Cabinet Office, which looked at serious and organised crime. That report showed that 30,000 people were involved in criminal gangs and that the illegal economy had grown to some £40 billion. Therefore, the issue touches not just on illegal immigration, but on all the other areas of crime that he has mentioned.

Damian Green: I agree. Indeed, I was making the more general point that much more effective control of our borders is essential not just in itself, which it is, but as part of the general fight against serious and organised crime, which is increasingly international. Indeed, crime is being globalised as much as any other aspect of the world economy. One of the advantages that we ought to have as a country, given that we are a set of islands, is our border, but it is an advantage that we do not exploit enough. It is because our borders are so insecure that we are a destination country for people traffickers and some of the world's most significant and unpleasant criminal gangs.

That is where I believe the Bill is a huge missed opportunity—part 1 is an aspect of that, but so are the citizenship proposals. Fascinatingly, we have heard little from the Home Office—indeed, there has been silence—about the extension of the points-based system to citizenship applications since the previous Home Secretary stood at the Dispatch Box and announced this big new idea, yet we have now had all stages of this Bill, through to Third Reading. What has happened to that proposal? We have gone through an entire Bill. The previous Home Secretary made radical proposals for changing the route to citizenship—changes that she appeared to let out of the bag to Parliament—yet the House of Commons and the House of Lords have discussed a citizenship Bill without any proposals from the Government about them.

That is significant. If those proposals are properly worked out—I assume that they had been, otherwise the then Home Secretary would not have stood at the Dispatch Box and revealed them—it seems implausible that the Government should be sitting on them. Let me warn the Minister now that if the Government produce those proposals over the summer, when Parliament is not sitting, Parliament will be right to be angry, particularly when you have made such a welcome point about announcements coming first to Parliament, Mr. Speaker. I hope that that extremely welcome rubric will apply over the summer, as well as during the day, as it were, and that when Ministers say they are about to announce something, that announcement should be made first to Parliament.

Either the Minister has until next Tuesday to announce those proposals or we will expect nothing to come out before October. *[Interruption.]* The Minister mentions the party conference. I would remind him that, for the moment, he is the Government. Therefore, he may want to make announcements at his party conference, but he still has at least a week left to give us some idea.

The ultimate verdict on the Bill must be one of severe disappointment. We have an annual immigration Bill from this Government—some are better than others, but none has faced up to the severity of the crisis in our immigration system.

Mr. Bone: Before my hon. Friend concludes his remarks, may I tell him that I am interested in the issue of when any announcement might be made? Is he suggesting that Parliament might have to be recalled to hear such an announcement?

Damian Green: I genuinely do not wish to be the first person to call for the recall of Parliament over the summer, particularly when we have not even gone into recess yet. I hope, however, that the Minister has heard my views on this interesting proposal that was dangled before Parliament and then withdrawn.

I am aware that others wish to speak, so I will end with the thought that, for the third time in three years, we have had the potential for a significant improvement of an immigration Bill to be put before the House but that, yet again, the Government have disappointed us.

9.35 pm

Keith Vaz: I did not serve on the Committee for this Bill, although I did participate in the Second Reading debate. It is a pleasure to be called to speak now on Third Reading. I, too, would like to pay tribute to all those who served on the Committee. We should get an improved Bill out of it, and the fact that the Liberal Democrats and the official Opposition both accept that the Government have moved in some areas is a tribute to the fact that the Minister has been prepared to listen to the reasonable proposals from parties on both sides of the House. He is no doubt relieved to be out of Committee, as he will now be able to get back to the ministerial correspondence that awaits him. Until yesterday, the Government were one Minister down, but the Home Secretary told the Select Committee during his session with us today that another Minister had temporarily been appointed to the Home Office to deal with the backlog in correspondence.

Mr. Woolas: I am grateful to my right hon. Friend for his support during this period. For the record, may I clarify that the backlog in correspondence to which he refers is certainly not my correspondence? I believe that I am the Minister most close to target in that regard.

Keith Vaz: I do not wish to start a ministerial competition.

Mr. Simon Burns (West Chelmsford) (Con): The right hon. Gentleman has certainly told us a very interesting piece of information. Could he enlighten the House as to which Minister has been appointed?

Keith Vaz: I raised with the Home Secretary a matter that I had raised with his predecessor. Of course the Minister with responsibility for identity is entitled to her maternity leave, and we wish her well in her motherly duties. However, we felt that this was a difficult period for the Home Office, and that it was important that her job should be filled for this limited time—we are all sure that she will come back at the end of this period. We were told by the Home Secretary that it was the "substantial" figure of Lord Brett—[Hon. Members: Who?] I am not sure whether the term "substantial" means that he is very large, or that his curriculum vitae is very large—

Mr. Speaker: Order. The right hon. Gentleman's speech was absolutely on track, and he should not be diverted from the path of virtue by the intervention—however well-meaning—of the hon. Member for West Chelmsford (Mr. Burns).

Keith Vaz: I will certainly accept your ruling, Mr. Speaker. Nevertheless, we are glad that this very important Member of the other place has been appointed.

Yes, this is another Bill, and I hope that the Government will now have the opportunity to draw a line under the plethora of immigration Bills that we have seen over the past 12 years. The hon. Member for Ashford (Damian Green) puts the number of such Bills at nine; the hon. Member for Eastleigh (Chris Huhne) thinks that it is 11. I think that it is 10. Perhaps the smokescreen that has been created by all these Third Reading debates on immigration Bills means that the three of us need to sit down, possibly with the Minister, and work out exactly how many Acts of Parliament on immigration have gone through.

This Bill has a number of important features, but I would like to draw attention to a key point, which I hope is reflected in the two reports that the Select Committee will publish next week. They are the long-awaited report on the points-based system, which has taken us a year to complete, and the report into bogus colleges, which has taken only about three weeks because we had clear evidence in front of us. The key point is that further legislation might not be the answer. What we actually need is administrative control of the Border Agency. This is point that we put to Lin Homer when she came before us last week and to the Home Secretary today.

One of my concerns about the Bill, although I welcome the fact that it clarifies what the Government expect the chief inspector of the Border Agency to do, is that it puts too much responsibility on this individual, who also came before us to give evidence earlier today. The post was created by the Government following the abolition of four other posts, including the independent monitor, the race adviser and the audit committee. That, of course, followed on from the statement of a previous Home Secretary who had said that the Home Office, and particularly the immigration and nationality directorate, was "not fit for purpose".

I thus worry about the clauses that place a greater responsibility on the chief inspector, who, as we tried to point out in our evidence session today, is actually the independent chief inspector of the UK Border Agency. The Minister himself wrote to our Committee as a result of our representations and said that from the time he wrote to us onwards he would always refer to the chief inspector of the UK Border Agency as "the independent chief inspector", yet when we look at the Bill, we find that the word "independent" is missing.

It is important for the Minister to stick by the commitments he has made to Parliament through the Select Committee. He must ensure that this individual, Mr. Vine, is independent, is given the resources he needs to complete his job and is given appropriate direction. We were told today that his first report is going to be on the visa regime in Rome—a wonderful place and a great city, but one does not need visas to come from Rome to the UK. We would much rather that the independent chief inspector of the UK Border Agency were doing the job that he is expected to do and that Parliament has asked him to do, which is independently to inspect the UK Border Agency. I hope that the clauses that place new responsibilities on this inspector will enable him to do his work effectively.

On citizenship, which is an essential part of the Bill, the Select Committee produced an interim report—we could not conduct a final analysis of the draft Bill because so much of it was missing when it came before us—and we hope that the new arrangements for earned citizenship will be monitored very carefully indeed. I am not against people earning the right to come into this country. I came as a first generation immigrant.

What the Minister will probably find—he has a large diaspora especially from Bangladesh in his Oldham constituency—is that there is excitement within communities

about gaining citizenship. We are not against provisions to give people certificates, as people feel very excited about becoming British citizens, but I worry that we are putting on people who try to acquire citizenship under the arrangements in the Bill a greater onus than we are on people born in this country who are already British citizens. After all, we expect those who come as immigrants and want to be British citizens to sit and take tests on the country's institutions, whereas many citizens from this country do not know what those institutions are.

Mr. Woolas: My right hon. Friend makes the very important point that the applicant for citizenship does not need convincing of its benefit or of the desirability of integrating and taking up opportunities. Does he agree with me that the value of the Bill is that it will help to show the indigenous population that that is also the case? Does not the fact that people can say that many ordinarily resident domestic British people could not pass the test rather prove the benefit of the immigrant to our country?

Keith Vaz: I accept that point, but I do not think that the public are desperately concerned about legal immigration and the acquisition of citizenship. What concerns them is illegal immigration, along with the fact that the Government do not have any control over the large number of people who come into this country legally. Some of my constituents tell me that it is easier to come into this country illegally than to do so legally because so many requirements are placed on people. I understand the Minister's point—it is a good point—but I do not think that we need to prove it to the citizens of this country. They accept that someone who has been here for five years will need to jump over some more hurdles in order to become a British citizen, and those hurdles are contained in the Bill.

Some of the schemes in the Bill involve volunteering, and that has been discussed. The Select Committee felt that some of the tasks being set for those who wish to acquire citizenship should be monitored. I hope that the Minister will bear that in mind, along with all the other tests that he has proposed for those who wish to become citizens.

Damian Green: Does the right hon. Gentleman he share my concern that the hurdles to citizenship which, as he says, are central to the Bill are still wrapped up at this stage? Does that not strike him as peculiar, and potentially slightly disturbing?

Keith Vaz: The hon. Gentleman is right: it is disturbing. The truth of the matter, in my view, is that the Government themselves do not know what is in the proposals. When they discussed the Bill last year—it was then the very big Bill that he described—and placed it before the Select Committee for scrutiny, many of its provisions were not put to us, and that is why we stopped our deliberations.

I do not think that the Government know what they want to do about this scheme. That is why they now have a wonderful opportunity—the Minister will be very good at this, because he is extremely good at engaging with communities—to arrange proper consultation up and down the country, especially with the groups that are most affected, on what the provisions should be. However, the matter will have to return to Parliament so that there is adequate scrutiny of what the Government propose. I do not think that the Minister is in a position at this moment to place his proposals before Parliament, because I do not think he knows what they are. I emphasise to him that I do not mean that in a nasty way.

Mr. Woolas *rose—*

Keith Vaz: Does the Minister know what they are?

Mr. Woolas: I know that my right hon. Friend does not mean that in a nasty way. I think that he is right. We are developing those proposals, but we needed the law to be established before we could publish the details for consultation. That is being worked on by stakeholders, and it will come back to Parliament. I accept the good spirit in which my right hon. Friend is speaking.

Keith Vaz: We look forward to hearing the proposals.

My final point relates to human trafficking, an issue that, has been raised by the hon. Member for Ashford and others. The Bill deals with two aspects of it. When the Home Secretary appeared before the Select Committee today, he undertook to examine the very serious allegations made in *The Times* and *The Guardian* today that when people were interviewed, they stated that they had only entered this country because of the connivance—their word was "corruption"—among certain officers in the UK Border Agency. I have seen no evidence to support those serious allegations, other than the Home Office's own report. Let me say to the Minister that we accepted the Home Secretary's undertaking, and we hope that those allegations will be looked into, because this is a serious matter.

We know that the Government want to make a priority of ending human trafficking, and we know that they want to do all that they can to work with other countries to stop that evil crime. It is a modern-day example of slavery. We welcome the prospect of an investigation by the Home Secretary, but we also hope that the Minister will examine the funding regime. He cannot implement his proposals unless he gives the resources that are needed to organisations such as the Metropolitan police.

Mr. Bone: As usual, the right hon. Gentleman is making a powerful speech, but when it comes to the specific issue of human trafficking into this country, is it not a good idea for an independent, arm's length commissioner to examine the whole situation, so that we can be given proper advice and information before making decisions?

Keith Vaz: I pay tribute to the hon. Gentleman and especially to the hon. Member for Totnes (Mr. Steen) for the work that they do in the all-party group on human trafficking. I am not against the idea of appointing a commissioner—the difficulty is the scale of the problem of human trafficking: it is huge. He or she would need a huge number of staff, and I do not think the Government would be prepared to fund that.

My concern is that the funding for the Metropolitan police's human trafficking unit, which is vital to what the Bill proposes, is about to be cut off. The Prime

[Keith Vaz]

Minister told me at the Dispatch Box that the funding was going to be increased. Well, we were told today that it will end on 31 March 2010. That is not an increase: zero per cent. is not an increase as far as we are concerned. I therefore ask the Minister to go back to the Home Secretary and the Prime Minister, as the Select Committee will do, and urge them to provide the Metropolitan police with the resources that they need. It is not good enough to say to the police, "Get these resources from your existing budget". The police themselves have said they will have to cut £428 million from their budget to make the savings the Home Office has asked them to make in respect of individual police authorities. We have got to deal with human trafficking with the experts who are best placed to solve this problem, so I urge the Minister to go back and look at this issue.

Let me say this in absolute conclusion, to allow the hon. Member for Eastleigh the chance to speak again in the debate: we have gone along with yet another immigration Bill. We accept what the Government have said—that this is necessary for good, firm and fair immigration control. However, the warning that comes from me and other Members of the House is that we can have all the legislation in the world, but Ministers must direct their attention toward the administrative chaos that still exists in the UK Border Agency: a backlog of 440,000 cases, supported by taxpayers' money of £650 million a year. That is what Lin Homer told us last week—the cost of servicing that backlog is £650 million a year, which is far too much.

I say: make a case to the Treasury, ask for additional money—the Select Committee and Members of this House will help—and get rid of that backlog, and then we can look at additional legislation that will help to achieve what the Government propose. Legislation without administrative direction and control will not work. I welcome the clauses in the Bill, but I say to the Minister that it is in his hands: he can be the first Immigration Minister in the history of this country to have cleared the backlog at the UK Border Agency. I believe he has the ability, talent and robustness to make sure this will happen.

9.53 pm

Chris Huhne: As always, I am delighted to follow the right hon. Member for Leicester, East (Keith Vaz). Any Immigration Minister should take very much to heart his wise words about the importance of administration, rather than legislation. Whether it is the ninth, ten or eleventh offering from this Government in the area of immigration law, it is simply too many Bills. When the right hon. Gentleman and I were last jousting on this topic, I think we only half in jest said that the Home Office should be attempting to re-tread some of its lawyers involved in drafting legislation into dealing with the legacy.

This latest Bill proves the old adage that quantity does not mean quality. It is as inaccessible and ill thought out as many of the other previous efforts at reform. Although we are absolutely delighted and somewhat surprised today that we can count no fewer than three victories for the Opposition—on retrospection, the common travel area and judicial review—this remains a Bill that is a pudding without a theme.

In Committee, the Minister described the Bill as

"part of the jigsaw puzzle that is trying to prepare the way for the simplification Bill."—[*Official Report, Borders, Citizenship and Immigration Public Bill Committee*, 16 June 2009; c. 133.]

Frankly, that is not a great commendation for a piece of legislation, but it certainly highlights the jagged and uneven way in which the Government have approached immigration and immigration law. It should not be tackled in this piece-by-piece manner. We need an overview of the whole, and that is why my Liberal Democrat colleagues and I have repeatedly called for a consolidation and simplification of the law governing immigration and asylum. This approach of piecemeal change generates more uncertainty for some of the most vulnerable people among migrants and their dependants, and it has resulted in many anomalies and inconsistencies.

Another overall concern I have with this Bill is that large sections of it are still reliant on statutory instruments, leaving many decisions resting with Ministers to make at a later date. That is not the way to legislate on something as important as immigration. The Government are asking us to make serious decisions on vague promises and proposals. In effect, it is another "Trust me, I'm a Minister" Bill. We need a strong and cohesive national border force, but there are only tentative steps in that direction for the UK Border Agency.

We have the third longest coastline in Europe, stretching to 7,758 miles, and the number of people entering and leaving this country every year is more than three times the size of our population—192 million by air alone in any given year. So having a competent and well-trained border force is key to tackling and controlling immigration. However, alarmingly, the Bill still comes with no concrete provisions on exit checks. That is a major problem, because we cannot enforce short-term visas if we do not know when people are leaving.

The proposals in part 1 are in a tangle, because the Government have focused mainly on extending the powers of the UKBA and immigration officials and blurring distinctions between immigration controls and criminality. We have avoided some of the more controversial aspects on citizenship with the concessions on retrospection, but this would have been a key moment to address the issue of asylum seekers. Several elements of part 2 are discriminatory and much is undefined and awaits delegated legislation. The opportunity has been missed to deal with a pressing problem in this area.

We are, however, happy that the Government have included the welfare of children in this Bill. That is one of the main reasons why we will not seek to divide the House on Third Reading, quite apart from the concessions that have been announced today. Clause 56, in particular, is one of the Bill's redeeming provisions. The intention behind the clause is good, and our amendment sought to mark out more clearly the duties that we thought the Secretary of State should have towards children—*[Interruption.]*

Mr. Speaker: Order. I apologise for interrupting the hon. Member for Eastleigh (Chris Huhne). I say to the hon. Member for Christchurch (Mr. Chope) that it is the height of bad manners to wander into the Chamber in the middle of a Third Reading speech and chunter away from a sedentary position. It is rank discourtesy.

Chris Huhne: Thank you, Mr. Speaker.

Abolishing the traumatic experience of dawn raids is a key concern of the Liberal Democrats. We also oppose the detention of children in detention centres, but as the Government have come up with no plans to stop children being held in that way, we wanted to use the Bill to highlight provisions that we feel should cover them if and when they are detained.

Mr. Bone: The all-party group on human trafficking battles with the problem that if children—in this case, girls of 15 or 16 who have been forced into prostitution—are not in secure accommodation, they can fall right back into the hands of the traffickers. That is a difficult issue, and I would be grateful for the hon. Gentleman's view on it.

Chris Huhne: I am extremely grateful to the hon. Gentleman for raising that issue, because it is important. One of the most alarming features is the number of children who disappear back into the hands of traffickers. There are many language problems and there are problems of not generating the sort of warmth to which children will naturally respond. I fear that given the guillotine that we are under, however, that this will require debate on another day.

In conclusion, we feel that this Bill is a hotch-potch of provisions. There should have been an overall attempt at simplification—

10 pm

Debate interrupted (Programme Order, 2 June).

The Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83E). That the Bill be now read the Third time.

Question agreed to.

Bill accordingly read the Third time and passed, with amendments.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)).

Human Fertilisation and Embryology

That the draft Human Fertilisation and Embryology (Appeals) Regulations 2009, which were laid before this House on 3 June, be approved.—*(Mrs. Hodgson.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

Human Fertilisation and Embryology

That the draft Human Fertilisation and Embryology (Consequential Amendments and Transitional and Saving Provisions) Order 2009, which was laid before this House on 3 June, be approved.—*(Mrs. Hodgson.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

Human Fertilisation and Embryology

That the draft Human Fertilisation and Embryology (Special Exemption) Regulations 2009, which were laid before this House on 17 June, be approved.—*(Mrs. Hodgson.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

Constitutional Law

That the draft Scottish Parliament (Elections etc.) (Amendment) Order 2009, which was laid before this House on 10 June, be approved.—*(Mrs. Hodgson.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

Electricity

That the draft Electricity and Gas (Carbon Emissions Reduction) (Amendment) Order 2009, which was laid before this House on 1 July, be approved.—*(Mrs. Hodgson.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

Electricity

That the draft Electricity and Gas (Community Energy Saving Programme) Order 2009, which was laid before this House on 2 July, be approved.—*(Mrs. Hodgson.)*

Question agreed to.

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith (Standing Order No. 119(11)).

Conflicts of Jurisdictions in Criminal Proceedings

That this House takes note of European Union Document No. 8338/09, Draft Council framework decision on prevention and settlement of conflicts of jurisdiction in criminal proceedings-general approach; and endorses the Government's support of the proposal.—*(Mrs. Hodgson.)*

Question agreed to.

SITTINGS OF THE HOUSE

Motion made,

That, at the sittings on Monday 20 July and on Tuesday 21 July, the Speaker shall not adjourn the House until any message from the Lords has been received, any Committee to draw up Reasons which has been appointed at that sitting has reported, and he has notified the Royal Assent to Acts agreed upon by both Houses.—*(Mrs. Hodgson.)*

Hon. Members: Object.

Mr. Peter Bone (Wellingborough) (Con): On a point of order, Mr. Speaker. We are approaching motion 11—*[Interruption.]* Motion 12; I apologise. It is a little unhelpful to Members of this House, as the Order Paper seems to be describing the motion in the wrong way. It says:

"If opposed, this item cannot be taken after 10.00 pm."

and:

"No debate after 10.00 pm."

[Mr. Peter Bone]

Normally, if a Member objected, that motion would then have to be brought back by the Government. I have spent some hours studying Standing Orders today, however, and that appears not to be the case. If we object, a deferred Division will occur. As you know, Mr. Speaker, the motion is in its entirety—except for a very small part—exactly the same motion as was rejected by this House just a few days ago. You will also know that under Standing Orders one has to rescind a motion before one can bring it back again. I know, Mr. Speaker, that you are determined that this House has the power to control the Executive. It seems to me that this is a prime example of such behaviour, because not only do we have, shall we say, misleading information on the Order Paper, but the Government are bending, if not breaking wholesale, the rules of this House to get their way. I hope that you might be able to say something that will stop the Government Whip from moving motion 12.

Mr. Speaker: I am extremely grateful to the hon. Gentleman for his point of order, to which my response is as follows. Motion 12—

Mrs. Sharon Hodgson (Gateshead, East and Washington, West) (Lab): I beg to move—*[Interruption.]*

Mr. Speaker: I am extremely grateful to the hon. Lady, who certainly cannot be accused of napping.

Motion 12 is correct and in order. The rubric is incorrect and the hon. Member for Wellingborough (Mr. Bone) is right to highlight that point. I understand why he was led down the path down which he has been led, but the House is bound by its Standing Orders not by the rubrics. The Table Office has asked me to convey its apologies for the error.

I can also say to the hon. Gentleman that it is true that a similar motion was on the Order Paper, I think in June—if I am correctly advised, on 25 June. The hon. Gentleman said that this motion was almost entirely the same but for a small point, and I do think that the "but for the small point" is rather significant in this matter. The original motion had proposed that the meeting on Wednesday 9 September should take place between 1 o'clock and 3.30. It is now intended that it should take place between 2 o'clock—*[Interruption.]* Order. I do not need advice from the hon. Member for Reigate (Mr. Blunt) on this matter. I am giving a full and comprehensive reply to the point of order properly raised by the hon. Member for Wellingborough. That revised time is a noticeable difference, the motion is in order, the error has been explained and I hope that the hon. Gentleman would agree that that is a full and fair response to the point of order that he has properly raised.

Andrew Mackinlay (Thurrock) (Lab): On a point of order, Mr. Speaker. By coincidence, my point is not unrelated to the previous one. The motions for the Regional Grand Committees state where the sittings "shall" take place. Motion 12 refers to the sitting in Nottingham, but I am interested in the one for Bedford on 8 September. The Standing Orders of the House require that the location in such motions must be "specified". For instance, they must specify a particular council chamber, community centre or whatever. Just naming the town or city is pretty bland and difficult.

I have looked at what happens with Scottish Grand Committee and so on, and I wish to pray that in aid as a precedent. For example, the motion for a sitting of that Committee will state that it will take place in the council chamber, Stirling. This motion is not good enough.

Mr. Speaker: I am extremely grateful to the hon. Gentleman for his point of order. I will not get drawn into a wider debate about Scotland but, on advice, I think that I can safely say that there is no requirement for a designated, precise location of the kind that he specifies. I have looked at page 113 of the Standing Orders, and at Standing Order 117A(2)(a), which states that a Regional Grand Committee can

"sit on a specified day at a specified place in the region to which it relates or at Westminster".

The answer—*[Interruption.]* If the hon. Member for Wellingborough will allow me to deal with the point: I appreciate his eager anticipation of what he thinks that I am about to say, but if he could contain himself for a moment he might hear what I in fact have to say in response to the legitimate point of order from the hon. Member for Thurrock (Andrew Mackinlay). The answer is that "Bedford", for the purposes of the Standing Orders, is sufficient.

The hon. Member for Thurrock may strongly disapprove of that and think that it should be subject to change and improvement, but my job tonight is simply to respond to his point of order and to tell him not what ought to be, but what is. I can advise him that "Bedford" is sufficient under the Standing Orders.

Andrew Mackinlay: Further to that point of order, Mr. Speaker. With respect, I hope that you will reflect on this matter overnight. I prayed Scotland in aid because the precedents show that the motions for all the other Grand Committees specify where they are to take place. They do not just name a town. Logically, one could turn up at Bedford and ask, "Has anyone found a Grand Committee anywhere? Point me to the Grand Committee." That would be like asking, "Is this the road to British socialism?" I think that such motions need to be specific.

Mr. Speaker: The hon. Gentleman's views are very clearly and firmly on the record. As he knows, I always listen to him with interest and respect, but we cannot now get involved in a wider debate about other locations to which he thinks that a reformed or better Standing Order should, in different circumstances, apply. What I am saying to him is that a number of these motions have been passed previously, and that the motion with which we are dealing tonight—or, if I may say so, were about to deal—relates not to Bedford or indeed any part of Scotland but to the east midlands and, within that, probably to Nottingham.

Mr. Crispin Blunt (Reigate) (Con) *rose—*

Mr. Speaker: In a moment. It is, to the substance of motion 12, which the hon. Member for Gateshead, East and Washington, West (Mrs. Hodgson) was ready to move a moment ago, that I want very soon to return—but I have a feeling that there is a point of order beating in the breast of the hon. Member for Reigate (Mr. Blunt).

Mr. Blunt: On a point of order, Mr. Speaker. The sedentary intervention for which you reprimanded me was based on my experience in a Standing Committee when the Government were defeated on a programme motion. They came back after some discussions with a motion that was extremely similar to the original one. I confess that as the Whip on that Committee, I was not fast enough on my feet to object to the motion. I took private advice later and was told that the motion was so similar to the one that the Committee had rejected that, had I objected, there would have been grounds for the Chair to consider that the motion was in violation of Standing Orders.

Can you give guidance to the House? The House rejected a very similar motion on the Regional Grand Committee on 25 June. The Government have moved the timing by one hour, which does not appear to be consistent with the spirit of the position that the House took on that motion. Is it really satisfactory to have this narrow difference? When a motion is defeated, how similar a motion can one come back with?

Mr. Speaker: I have listened to that point of order, which the hon. Gentleman developed at a leisurely pace, and I have to say to him that the insertion of the word "really" in the middle of his question does not make the question any more valid or legitimate than it would otherwise be. For the hon. Gentleman simply to say "Is it really satisfactory?", I am afraid will not do.

I know that the hon. Gentleman would not for one moment seek to entice or inveigle me into a continuing argument about a matter upon which I have already ruled. I know that he would not do that because, as my long experience demonstrates to me, he always wants to behave in an orderly manner. So I want to say once and for all to the hon. Gentleman, who I know will get it and accept it straight away, that the point has been raised by the hon. Member for Wellingborough and indirectly by others, and I have already ruled on it.

If, at another point in time, the hon. Gentleman wants to have discussions with a variety of people over a cup of tea or in some other way on these matters, that is open to him. But as far as tonight, the Standing Orders and this motion are concerned, I have ruled on the position, and that, frankly, is the end of the matter.

Mr. David Heath (Somerton and Frome) (LD): On a point of order, Mr. Speaker. I was just reflecting on the point made by the hon. Member for Thurrock (Andrew Mackinlay), and I perfectly well understand your ruling that the motions are in order, but it occurs to me that somebody needs to tell the hon. Gentleman where to go and there are but four sitting days before the long recess for that process to take place. Perhaps you could discover what the mechanism is for hon. Members who will wish to attend, no doubt, the Grand Committee relevant to their region to find out where they are to find the Committees in these large cities when we are about to go into recess and they will not be in their normal offices.

Mr. Speaker: That can be regarded as quite a helpful point of order. The hon. Gentleman's concern for the proper sense of direction, in a geographical sense, of the hon. Member for Thurrock is greatly appreciated.

I am advised by those who know that the precise location is the council chamber. I hope that the hon. Gentleman is not going to spoil a good point by asking me without notice to demonstrate that I know precisely where in the building in Bedford the council chamber is, because I would not be able to satisfy him. It is safe to say that the hon. Member needs to know in the next few days. I think that I have given the basic answer, and if there is any further scope for clarification, I am sure that between now and the summer recess it will indeed be provided.

It was an interesting series of points of order, but we should now move to motion 12.

EAST MIDLANDS REGIONAL GRAND COMMITTEE

Motion made, and Question put forthwith (Standing Order No. 117A(3)),

That the East Midlands Regional Grand Committee shall meet in Nottingham on Wednesday 9 September between 2.00 pm and 4.30 pm to take questions under Standing Order No. 117B (Regional Grand Committees (questions for oral answer)) and to hold a general debate on Building Britain's Future: how the region will make the most of the upturn. —*(Mrs. Hodgson.)*

The Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 15 July (Standing Order No. 41A).

WELSH GRAND COMMITTEE

Ordered,

That—

(1) the matter of the Ninth Report from the Welsh Affairs Committee, Proposed National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009, HC 348, and its implications for Wales be referred to the Welsh Grand Committee for its consideration; and

(2) the Committee shall meet at Westminster on Wednesday 14 October at 9.25 am and between 2.00 pm and 4.00 pm to consider the matter referred to it under paragraph (1) above.—*(Mrs. Hodgson.)*

SELECT COMMITTEE ON THE REFORM OF THE HOUSE OF COMMONS

Motion made,

(1) That a Select Committee be appointed to consider and make recommendations on the following matters:

(a) the appointment of members and chairmen of select committees;

(b) scheduling business in the House;

(c) enabling the public to initiate debates and proceedings in the House; and

(d) such other matters as appear to the Committee to be closely connected with the matters set out above, and to report on these matters by 13 November 2009;

(2) That the Committee also consider such other matters as may be referred to it from time to time;

(3) That the Committee consist of eighteen Members;

(4) That Mr Graham Allen, Mr Clive Betts, Mr Graham Brady, Mr David Clelland, Mr David Drew, Natascha Engel, Dr Evan Harris, David Howarth, Mr Michael Jack, Mr Greg Knight, Mr Elfyn Llwyd, Mr Chris Mullin, Dr Nick Palmer, Martin Salter, Dr Phyllis Starkey, Mr Andrew Tyrie, Dr Tony Wright and Sir George Young be members of the Committee;

(5) That Dr Tony Wright be Chairman of the Committee;

(6) That the Committee have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, to report from time to time and to appoint specialist advisers;

(7) That this Order be a Standing Order of the House until the end of the present

Parliament. —*(Mrs. Hodgson.)*

Hon. Members: Object.

Mr. Bernard Jenkin (North Essex) (Con): On a point of order, Mr. Speaker. Would I be right in saying, even if it is rather an irony, that in an effort to set up a Committee that may well strengthen the House's power over its own business, we are entirely reliant on the Government to grant time to debate the motion setting up that Committee? Am I right in saying that only the Leader of the House, in a business statement, can allocate time for discussion of the motion?

Mr. Speaker: That is a sophisticated point of order, but I think that I can safely say to the hon. Gentleman that irony is not a matter for the Chair.

PETITION

Wind Farm Development (Wales)

10.17 pm

Lembit Öpik (Montgomeryshire) (LD): Mr. Speaker, the miraculous conversion of dry points of order into remarkable and entertaining levity worthy of "Today in Parliament" is a tribute to your Speakership. I am almost ashamed to bring the much more serious matter of this petition to the attention of the House, but I must.

The petition is about a matter of great concern to residents of Welshpool and, indeed, my whole constituency of Montgomeryshire. They are mightily exercised about the potential impact on road transport of the construction of a very large number of wind turbines in the county of Powys. Leaving aside arguments about the questionable effectiveness of turbines as energy-producing sources, my constituents specifically wanted me to raise their worries about the logistics of transporting a very large amount of material by road, the effects on local congestion and general traffic flow, and the damage to existing infrastructure. The petitioners include the town clerk, Robert Robinson, Councillor John Meredith, Councillor Estelle Bleivas, and the outstanding mayor of Welshpool, Councillor Ann Holloway. The petition reads:

The Humble Petition of Robert Andrew Robinson Town Clerk of Welshpool Town Council,

Sheweth that the Communities of Mid Wales (and in particular Welshpool) are deeply concerned about the effect of Wind Farm transpiration in Mid Wales and in particular through Welshpool which is proposed over a sustained period.

Wherefore your Petitioners pray that your Honourable House will urge the Secretary of State for Energy and Climate Change to initiate a public inquiry on this matter before any Wind Farm Development is approved or allowed to take place and to ensure that full, proper and open consideration occurs prior to implementation of the project in Mid Wales.

And your Petitioners, as in duty bound, will ever pray, &c.

[P000393]

Bournemouth and Poole FE College

Motion made, and Question proposed, That this House do now adjourn.—*(Mrs. Hodgson.)*

10.18 pm

Mr. Robert Syms (Poole) (Con): It is my pleasure to have secured this debate on the future of Bournemouth and Poole further education college. First, may I welcome the Minister for Further Education, Skills, Apprenticeships and Consumer Affairs to his new responsibilities? I have a feeling that he will attend many such debates about the future of further education colleges throughout the county. I thank my hon. Friend the Member for Christchurch (Mr. Chope) for being present at this late hour, and my neighbour, the hon. Member for Mid-Dorset and North Poole (Annette Brooke), who has also come to support me in this debate.

Together, Bournemouth and Poole have a great educational sector. We have a very good university, Bournemouth university, which happens to be in Poole. It educates thousands of people. We have a good education system in our area, with many international schools. Bournemouth and Poole college is very well regarded, and thousands of people have passed through it. It is vital to our area that we should have that place of learning. The college has been particularly blessed, because it has had a series of principals who are extremely talented and have always advanced the interests of the college, namely Richard Dimbleby, Rowland Foote and, more recently, Lawrence Vincent, who was the deputy principal but has now taken over. They have all wanted the best for Bournemouth and Poole college.

When the Learning and Skills Council first set out the Building Colleges for the Future programme, Bournemouth and Poole college thought that it was a great opportunity. It assembled plans in March 2008 for a £130 million redevelopment. The college has a disadvantage in that it has a number of centres, principally in Poole and in Bournemouth. The programme seemed a great opportunity to refurbish and reinvigorate its buildings in order to provide first-rate education for the future.

The scheme that the college drew up was for a £130 million redevelopment, at both Poole and Bournemouth. Many of the buildings, especially those in Bournemouth, have asbestos, are not fit for purpose and need refurbishment. Planning went in in October and November 2008 on the basis of the 80 per cent. grant, and the college proceeded, having consistently engaged in a dialogue with the LSC about the way it was going, and was very disappointed in December 2008 when it was told that there was a freeze. Initially, the college did not worry too much about that because it thought its plans had been well drawn up and it had been in dialogue with the Learning and Skills Council.

The college was doubly disappointed that in March 2009 the freeze became more permanent and it became clear that the LSC had misjudged, to put it kindly, the level of bids across the country. Many colleges, some of which had already started building, could not proceed with their projects. We know that in April 2009 the Minister's predecessor, the hon. Member for Birmingham, Erdington (Mr. Simon), set up a review under Sir Andrew Foster to look into the problem. Subsequently the LSC decided that of the 144 colleges that put in bids, many

in the expectation that they would be successful, only 13 so far would be given approval. Many colleges have incurred considerable expense on architects and fees, and some have already started works.

As I understand the situation, the next review will be in 2011 and there is no guarantee that at that point Bournemouth and Poole or any of the other colleges will be able to go ahead. I hope that when the Minister replies, he will give some indication when we are likely to see a start, if not of the whole £130 million redevelopment, of at least part of the development that has been planned. Of the 13 schemes that are proceeding, not one is in the south-west of England. One has to drive about 100 miles from Bournemouth or Poole to London to find a scheme that has been given the go-ahead.

That clearly leaves the college with a problem. Bournemouth and Poole college is vital for training many thousands of people across a range of ages for the world of work. We have gone through a very difficult economic period, and the college is vital to my constituents, and to many of the constituents of my hon. Friend the Member for Christchurch and of the hon. Member for Mid-Dorset and North Poole, who I understand in a past life worked in Bournemouth and Poole college as a lecturer. The bill facing the college will have a very real effect unless the LSC addresses it and starts to compensate the college for some of its expenses.

The college started off with a surplus of £5 million in the bank. It has always been cautious and always wanted to expand, so it started by accumulating funds. It has spent £11 million on the project so far, on the basis that it would get funding. If the project is written off, that will lead to an operating deficit in 2008-09 of £7.5 million. In these difficult times, that is a considerable sum, which will have to be written off.

Annette Brooke (Mid-Dorset and North Poole) (LD): I congratulate the hon. Gentleman on securing the debate. Does he agree that we have a short-term and a slightly longer-term problem? The short-term problem could almost be described as a crisis. The college is running a huge deficit and people are gravely concerned about the future. We seek reassurance from the Minister that stop-gap funding can be found to make good what has been undertaken on firm promises from the Learning and Skills Council.

Mr. Syms: The hon. Lady makes a very good point. Although approval has been given to 13 of the 144 colleges that bid, many that have not been given approval have incurred major expenditure, and there is a serious problem with trying to tide them over, so that in one, two or three years, work on some of them can go ahead. In the short term, however, the situation has given them major problems, and many of them, as I think the Minister will acknowledge in his speech, are vital for the economic recovery of our country—for retraining young people, old people and workers. There is a problem, therefore, and I am sure that the Minister will not run away from it. I am perfectly sure that, when he opened his red box, the first thing that he took out read "Learning and Skills Council, Building Colleges for the Future". We need a resolution to the problem quickly.

The college principal tells me that it is living off a £600,000 overdraft and will need to raise a further £900,000 to keep running until the end of September. College representatives have had a dialogue and meetings with the LSC. They had a meeting about a week ago, in which they gave further details to the LSC, and although it took them away, it has not said an awful lot yet. We are not very hopeful about getting all our £11 million back, but we need a substantial amount of it back if there are not to be consequences for the college—in terms of either laying off lecturers, who are vital, or restricting the courses that are available to my constituents, the hon. Lady's constituents and, indeed, the constituents of my hon. Friend the Member for Christchurch. They also expect the college to provide facilities for their constituents.

I want to hear from the Minister about the strategy. Thirteen of the 144 projects have been given the go-ahead, and I am sure he realises that many of the other colleges, which have been left hanging in the wind, need some funding to cover the expenditure that they have already undertaken. Indeed, if the projects go ahead in a year or two or three, some of that expenditure will not have been wasted. The plans and work that have been undertaken will still be important for proceeding with the projects. However, we need some answers and there is a degree of urgency.

The college principal has made the point to me that September is the beginning of the new college year, that it will have a new intake and that unless the LSC quickly indicates the funding sources that will be provided, tough decisions will have to be taken.

Mr. Christopher Chope (Christchurch) (Con): I congratulate my hon. Friend on introducing the debate, because it is about an issue that is causing enormous concern in our area. Does he agree that one of the questions is whether the Government will provide an indemnity against the costs incurred by Bournemouth and Poole college as a result of the gross negligence and incompetence of the Learning and Skills Council? That is effectively the cause of the funding crisis, and the LSC is going to be abolished, so the least the Government can do is to indemnify the college against the reasonable costs that it has incurred as a result of the LSC's incompetence.

Mr. Syms: My hon. Friend makes a very good point, and the fact that the chief executive resigned, was pushed out or whatever, is a sign that misjudged the whole process. Further education colleges have been massively under-invested in over the past 20 to 30 years; I do not think that any of us would underestimate that. The Government's intention to rebuild many colleges is worthy, but the £2 billion bill was unexpected. Indeed, few Members do no have a college, either in their constituency or nearby, that has faced a similar problem. There has been a monumental misjudgment, but I do not want to focus too much on that, because we need to know when we will be able to start to improve the buildings in Bournemouth and Poole—not with the £130 million perhaps, but something. We need an indication—even a wink across the Chamber will do.

We know that the amount of money expended will cause a short-term problem to the college, and that will have an impact on turning out many thousands of people for the world of work in our area. We need a strategy for dealing with that, and we need answers.

[Mr. Syms]

I am sure that the Minister, who is new to his job, has a spring in his step. He has a great opportunity to make his name in this Chamber and will be able to fill us in with a little more information about what Bournemouth and Poole college will get towards its costs—if not every penny, then at least a pathway for dealing with a very serious problem that needs to be addressed in a matter of days and weeks, because term time in September will come very quickly, and choices have to be made.

I thank my hon. Friend the Member for Christchurch and my neighbour, the hon. Member for Mid-Dorset and North Poole, for being here, and I look forward to hearing what the Minister has to say about this subject, which is vital for many thousands of our constituents.

10.30 pm

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): I congratulate the hon. Member for Poole (Mr. Syms) on securing this debate on further education provision in Bournemouth and Poole. Of course I agree that further education is extremely important, and the Government put a great deal of importance on it. It has a crucial role to play in helping people to make the most of their talents and their lives, and in building Britain's future. It does that day in, day out, by improving people's job prospects and helping employers to achieve growth by improving work force skills and strengthening local communities.

As I think that the hon. Gentleman acknowledged, in recent years there has been an increase in overall public investment in the further education system—by a record 53 per cent. in real terms between 1997-98 and 2007-08. Total investment in adult skills was more than £4.7 billion in 2008-09 and is planned to increase to £5 billion in 2009-10. That means that more than 3 million adult learners are benefiting from further education each year. I know that hon. Members would agree that in the current economic downturn it is more important than ever that we invest in learning and skills. The Government have offered a package of measures that includes boosting apprenticeships by a further 35,000 and providing £83 million over two years to provide an extra 75,000 further education places over 2009-10 and 2010-11.

The hon. Gentleman has been a keen advocate in this place of the capital proposals of Bournemouth and Poole college, the local college of the hon. Gentleman and his colleagues. He intervened in an Adjournment debate earlier this year, and he has asked a specific written question about Government plans on capital funding in further education. He took up the invitation by my predecessor, my hon. Friend the Member for Birmingham, Erdington (Mr. Simon), to discuss individual cases. I understand that subsequently, on 23 March, the hon. Gentleman and the college principal, Lawrence Vincent, met my hon. Friend and discussed at some length the college's capital proposal. In recognition of the wider importance of the college to its local area, I understand that on 16 April the chief executive of Bournemouth borough council wrote to my hon. Friend, adding her support to the college's capital proposal.

It is therefore fair to say that a considerable degree of information has been given to previous Ministers about the proposal. Indeed, having looked at it prior to this debate, I note that the college has been working with the Learning and Skills Council on this large and ambitious redevelopment project for a number of years. In June 2007, it received approval in principle to the application in relation to the new proposals for the redevelopment of the Poole and Bournemouth sites, and it subsequently worked closely with the LSC capital team to develop those plans further. The original proposal had a total cost of £102 million, and the college was seeking LSC grant support of £88.4 million. Given the scale of that proposal, it was agreed that it would be more manageable if it were to be treated as two separate developments. As a result, the college has focused its efforts on developing the Bournemouth site first.

As the hon. Gentleman knows, the Bournemouth proposal in itself is large, with forecast costs totalling just under £50 million. In developing that ambitious proposal, the college has continued to work closely and positively with the LSC. I know that, as he said, the LSC has had discussions with the executive team of the college. I understand that they may have been meeting today to further the discussions on the college's current situation following the recent announcement. The LSC accepts that the college is central to learning provision across the local area of Bournemouth, Poole and Dorset.

I understand that, as the hon. Gentleman mentioned, the college has improved its quality and results over the past four years. I am pleased to hear about the work that it is doing to engage with learners in the area who have been hit by the economic downturn. It has made a successful bid to deliver part of the special package of support during the downturn. In particular, it will deliver some of the 75,000 extra further education places around the country for those who have been on jobseeker's allowance for six months or more. I am pleased that it is now working with the LSC, nextstep, the nationwide skills advice service and Jobcentre Plus to raise awareness of that, and that it has submitted a bid for the entry to employment programme, which will provide employment-focused learning for those who are not yet ready to enter full-time work.

The college is bidding for other funding announced as part of the package of measures to boost skills and learning in the downturn, and I encourage it to continue to do that. I welcome the fact that it has been designing its own programmes to meet the needs of local businesses. Its business enterprise unit has been working in partnership with local business and industry to boost the skills of the regional work force and to help companies through these tough economic times. I accept that there is excellent practice going on in Bournemouth and Poole college, and I know from representations that I have received from other hon. Members that many other colleges around the country are doing similarly good work on 16-to-18 apprenticeships, 19-plus apprenticeships and so on.

Capital projects in general, and particularly the project at Bournemouth and Poole, are part of a record level of investment, and it is fair to say that for a long period there was very little investment in FE. I acknowledge the mistakes that were made by the LSC, and previous Ministers have apologised to the House for what happened. We have had the Foster review, which set out the problems that occurred in relation to the capital programme.

Mr. Syms: An apology is great, and the Minister has mentioned the good things that the college is doing, but it will not be able to continue doing them unless there is

an offset to the costs that it has already committed. It may not be a 100 per cent. offset, but can he say a little more about what will happen?

Kevin Brennan: I will come to that point. The LSC has indicated that it will meet its obligations on costs that have been incurred on the development. However, I have to say to the hon. Gentleman that a blank cheque is not available to FE colleges around the country for costs incurred on development plans that were not those agreed with the LSC.

Mr. Syms: The original proposal was for 80 per cent. funding, and I do not think that it would be unreasonable if there were now 80 per cent. funding of the up-front costs. I appreciate that the Minister may not be able to indicate that, but that is the sort of level that would be needed to help out Bournemouth and Poole college so that it can keep first-rate education.

Kevin Brennan: I would encourage the college to continue its discussions with the LSC to identify the costs with which the LSC may be able to assist. It has set aside a sum of money to do that, and to help colleges with their genuine development costs. I can only encourage the college to continue those discussions about the plans that it has been developing and the development costs that it has incurred.

The capital programme process, to which the hon. Gentleman referred, and the recent announcement followed a prioritisation process after the Foster review earlier this year. As he said, the LSC announced that 13 college capital projects can proceed this summer, as long as they reduce their costs to a reasonable level. The 13 college projects were chosen following a robust and thorough assessment by independent consultants against newly agreed prioritisation criteria. Each project had been assessed as having the greatest impact on local education and skills, and on contribution to local economic and regeneration priorities; links to other funding or projects; the current condition of the estate; and value for money. That process built on the recommendations that Sir Andrew Foster made in his report about the capital programme.

The LSC worked closely with key stakeholders, including the Association of Colleges, the 157 Group, the Sixth Form Colleges Forum and the Association of National Specialist Colleges, as well as the regional development agencies and the Local Government Association. However, as the hon. Gentleman said, many colleges could not be funded in this round, and the next steps start this autumn, when the LSC will consult the sector further to agree a robust, fair and transparent process for prioritising the capital investment programme for the next spending review period starting in 2011-12.

The LSC has worked with colleges throughout the development of capital proposals, and is committed to meeting all its contractual obligations on development costs. It is also committed to ensuring that no college will be allowed to become insolvent as a result of decisions about the capital programme. I hope that that is helpful.

I know and appreciate that there have been grave difficulties with the FE capital programme, but let us not forget that the Government's policy has meant that, since 2001, there have been 700 such projects throughout the country and nearly 330 colleges have been funded. That has transformed the further education estate for learners.

In 2008-09, the LSC supported 253 schemes that were under way or had full approval to go ahead. No college with full and final approval to go ahead has failed to proceed. We will spend £2.6 billion in this comprehensive spending review period. We should remember that, in 1997, not a single penny was spent on the further education estate in this country. We have put in record Government investment, which means that we can continue to develop further education and to unlock people's talent to meet the economic challenges and to create a fairer society.

I accept the hon. Gentleman's disappointment and the criticisms about what went wrong with the expectations that had been built up for his college and throughout the country.

Annette Brooke: I agree that there has been a good record of investment, which was long overdue, in further education. However, before the Minister concludes, will he give us an idea of the time frame in which the LSC is working during the short-term funding crisis because confidence must be restored in our local area to ensure that people enrol on the courses?

Kevin Brennan: I agree with the hon. Lady, and I think local Members can help in restoring that confidence. I am sure that Bournemouth and Poole college has a bright future, despite the disappointment that its current plans for redevelopment cannot go ahead. I have given an assurance that the LSC will not allow any college to become insolvent, and I have also suggested that the college should continue its discussions with the LSC about the development costs for which it may be able to be reimbursed in relation to its capital project, without the LSC accepting a blank cheque for Bournemouth and Poole or any other college across the country.

FE colleges are making a huge difference to the lives of students and learners across the country. I am sure that Bournemouth and Poole college can continue to do that, and although it has not been successful in the current round, it is important that we continue to invest in colleges in the future. A future capital programme is planned, and I encourage Opposition Members to talk to their Front-Bench teams about ensuring that we continue this investment into the future, and I encourage colleges to speak to the learning and skills councils about other ways of proceeding with capital projects. It is important that we continue to invest in colleges for the future.

Question put and agreed to.

10.45 pm

House adjourned.

House of Commons

Wednesday 15 July 2009

The House met at half-past Eleven o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

CONTINGENCIES FUND 2008-09

Ordered,

That there be laid before this House, Accounts of the Contingencies Fund, 2008-09 showing:-

(1) a balance sheet;

(2) a cashflow statement; and

(3) notes to the account; together with the Report of the Comptroller and Auditor General thereon. (In continuation of House of Commons Paper No. 879 of 2007-08.)—*(Mark Tami.)*

Oral Answers to Questions

WALES

The Secretary of State was asked—

Manufacturing Industry

1. **Julie Morgan** (Cardiff, North) (Lab): What recent discussions he has had with Ministers in the Welsh Assembly Government on the performance of manufacturing industry in Wales. [285606]

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): My right hon. Friend the Secretary of State has regular meetings with the First Minister on the Welsh economy. We are working closely with the Welsh Assembly Government to ensure that the Welsh manufacturing sector receives all the assistance necessary for it to emerge from the global economic downturn well placed to meet the challenges of the future.

Julie Morgan: Is my hon. Friend aware of the good news for my constituents in Cardiff, North? Quotient Bioresearch is to take over the business of GE Healthcare, thus saving 75 highly skilled jobs, many of them belonging to my constituents in Whitchurch. In addition, the company is to invest up to £15 million in a new facility in Cardiff. Is that not a vote of confidence in manufacturing in Cardiff and the rest of Wales?

Mr. David: Indeed it is. I congratulate my hon. Friend on the hard work that she has done on that and other issues in her constituency. I am aware of the announcement and I welcome the fact that £15 million is to be invested and 75 posts are to be saved. That shows that we are wholeheartedly committed to helping people and businesses in Wales through the economic downturn, and that we always put the Welsh economy on the road to recovery—unlike the last Conservative Government, who let tens of thousands of young people become a generation of lost workers. We are being proactive in helping the economy to get through these difficult times, and that is the truth.

Lembit Öpik (Montgomeryshire) (LD): Is the Minister aware of the excellent work conducted by the support unit at the Department for Business, Innovation and Skills, together with Lord Mandelson's office? It helped to secure a very substantial loan from the Royal Bank of Scotland so that a new manufacturing operation called Regal Fayre can be set up in the town of Montgomery. Will the Minister pass on my thanks, specifically to John Stewart in that department? Will he also praise the Royal Bank of Scotland for living up to its requirement to support new business? Finally, may I, through the Minister, ask whether the Secretary of State for Wales will consider opening that new plant, which is a real success story and will lift the town of Montgomery out of recession?

Mr. Speaker: Order. From now on, I want shorter questions and pithy replies.

Mr. David: The hon. Gentleman has mentioned some very good news; I have seen his early-day motion 1877 on the subject. The Secretary of State has been very involved and has made what appear to have been effective representations. I say on my right hon. Friend's behalf that I am sure he would be delighted to open the facility, which is another clear example of how the Government are being proactive to make sure that in every part of Wales, in every sector of the economy, we are doing everything possible to ensure that we get through this economic downturn as quickly as possible.

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): Last month, when I asked the Secretary of State why France, Germany and even Italy had delivered on their automotive assistance programmes while our £2.3 billion scheme, which was announced back in January, had not paid out a penny, he said:

"The money is coming through"—[*Official Report*, 10 June 2009; Vol. 493, c. 777.]

In a written answer to me last week, a Business Minister confirmed that still not a penny in loans or loan guarantees had yet been given to support the industry. Is a grand announcement followed by seven months of inaction this Government's idea of being proactive and providing real help now?

Mr. David: Let us be clear about the effectiveness of the measures being taken. The car scrappage scheme is being very effective; it is having an effect on the automotive sector and a positive impact on British Steel and Corus. It is extremely useful. We also need to recognise that we have—*[Interruption.]*

Mr. Speaker: Order. I apologise for having to interrupt the Minister. A practice is growing up in which Opposition Front Benchers ask a question and then witter away from a sedentary position. That is not acceptable, and I do not want it to happen again.

Mr. David: The reason the Opposition are wittering away, as you so correctly put it, Mr. Speaker, is that they do not like the answers. The answers show clearly what the Government are doing effectively in intervening in the Welsh economy. We have mentioned the car scrappage scheme; let us also not forget that the future jobs fund will create 150,000 jobs across the United Kingdom as a whole—about 7,500 in Wales—with an investment of about £50 billion. That is effective. There is also the ProAct scheme, from which 63 companies and nearly 4,000 workers benefit, and the ReAct scheme. All those measures contribute materially to improving the lot of the people of Wales and improving the Welsh economy.

Aluminium Production

2. **Albert Owen** (Ynys Môn) (Lab): What recent discussions he has had with (a) ministerial colleagues and (b) the Welsh Assembly Government on aluminium production in Wales. [285607]

The Secretary of State for Wales (Mr. Peter Hain): At least the hon. Member for Chesham and Amersham (Mrs. Gillan) was not Twittering in the House.

I commend my hon. Friend on his tireless efforts on behalf of the workers of Anglesey Aluminium. As he knows, I have had regular discussions about the future of the company with colleagues in Government and the First Minister, as well as with Rio Tinto and the unions.

Albert Owen: I thank the Secretary of State for that reply and for his efforts, as well as those of UK Government Departments and the First Minister on behalf of the Welsh Assembly Government. Does he agree that although these are very difficult times, the parent companies of Anglesey Aluminium in my constituency, Rio Tinto and Kaiser Aluminium have a moral and social obligation to accept the generous offer that the Government have made—nearly £50 million—to assist them through this difficult period so that they can continue to commit to the work force and the local economy for the next 30 years, as they have indicated?

Mr. Hain: Yes, I agree with my hon. Friend. We have put nearly £50 million on the table as a result of cross-Government collaboration, including with the Welsh Assembly Government, and that should be taken up by Rio Tinto and Anglesey Aluminium. Many businesses would give their right arm for that kind of support. Anglesey Aluminium and its parent companies have benefited from decades of loyal work on the island, and I hope that these companies will think again. Meanwhile, we are exploring all options to try to secure employment in that factory.

Mr. Roger Williams (Brecon and Radnorshire) (LD): No one will underestimate the importance of aluminium smelting to the island of Anglesey, but other smaller companies throughout Wales, such as Kaye in Presteigne in my constituency, which is involved in aluminium casting producing components for the automotive industry, have been badly affected by the recession. The scrappage scheme introduced on the continent has been very successful, and Kaye has benefited from that because it exports most of its production. However, the scrappage scheme in this country has not been so successful, and it is due to end in March 2010. Will the Secretary of State make representations to the Treasury and to his colleagues in Cabinet to ensure that the scrappage scheme is extended and enhanced to increase car sales throughout the UK and to allow companies such as Kaye to see a way through the recession?

Mr. Hain: We will certainly look at the hon. Gentleman's request and bear it in mind, because the company is an important local employer. However, the truth is that the car scrappage scheme has had a big effect on new orders for cars. The de-stocking has ended and a lot of car plants are now starting to produce again, and it is partly because of the Government's action that that has happened.

Health Care Provision

3. **David Tredinnick** (Bosworth) (Con): What recent discussions he has had with the First Minister on co-ordination of integrated health care provision across the England-Wales border. [285608]

The Secretary of State for Wales (Mr. Peter Hain): The UK and Welsh Assembly Governments have worked closely together to agree the revised protocol for cross-border health care provision. I have long promoted the integration of conventional and complementary health care. I congratulate the hon. Gentleman on his work as chair of the all-party group on integrated and complementary health care.

David Tredinnick: I am grateful to the right hon. Gentleman. Did he, in his discussions with the First Minister, refer to his work as Secretary of State for Northern Ireland on the pilot study there? Has he discussed the cost-effectiveness of integrated health care? Will he be discussing that with the new Secretary of State for Health in England?

Mr. Hain: I have discussed with my right hon. Friend the Secretary of State the success of the pilot to which the hon. Gentleman refers, which I established as Secretary of State for Northern Ireland between 2006 and 2008 and which had spectacular results. As a result of doctors being able to prescribe complementary health care free on the NHS, some two thirds of participating doctors agreed that their patients' health had improved. About half the patients took fewer painkillers, half took less conventional medication, including prescriptions, and two thirds had less time off work. This is therefore a win-win situation. I hope that the pilot will be extended to England, to Wales, back into Northern Ireland—because the new Government there have not extended it—and to Scotland.

Mrs. Betty Williams (Conwy) (Lab): Will my right hon. Friend have discussions with the Welsh Assembly Government to ensure that there is a strong relationship—as strong as ever—concerning orthopaedic surgery, especially with Robert Jones and Agnes Hunt hospital in Oswestry? I have to declare an interest, as does the hon. Member for Montgomeryshire (Lembit Öpik), because about 12 years ago we were patients there. It is important for patients in north Wales and mid-Wales to be happy in their minds that the relationship will continue.

Mr. Hain: I agree with my hon. Friend. My hon. Friend the Minister and I will certainly bring that up with our counterparts in Cardiff. It reflects the fact that

waiting times are coming down in Wales, that patient care has been improving, and that there are more nurses, doctors and health care staff than ever before, all of which would be put at risk if the Conservatives came to office with their savage cuts policy.

Hywel Williams (Caernarfon) (PC): I have recently had discussions with representatives of north Wales GPs about the practice of placing in institutions people who have complex medical needs, often psychiatric needs, without adequate referral or adequate support services being in place. Will the Secretary of State discuss with his colleagues who have responsibility for health in England the possibility of writing to health and social services bodies prevailing on them to refer properly and to provide proper services when they place people with complex medical needs in Wales?

Mr. Hain: I am obviously concerned to hear what the hon. Gentleman says, and I will certainly take that matter up. If he cares to write to me with any specific instances, I will be happy to make representations on his behalf.

Mr. David Jones (Clwyd, West) (Con): The Secretary of State will know that the report of the Select Committee on Welsh Affairs on cross-border health services identified the inadequate payment of English hospitals by the Welsh Assembly Government as one of the principal barriers to the timely treatment of Welsh patients. To what extent does he regard it as part of his role to co-ordinate discussions between the Department of Health and the Welsh Assembly Government, with a view to ensuring that English hospitals receive fair payment and Welsh patients receive fair and timely treatment? To what extent is he actually doing so?

Mr. Hain: As the hon. Gentleman knows, a protocol has been agreed that is designed specifically to deliver what he is asking for. If he knows of any shortcomings, I am happy to make further representations. That is my job. However, the protocol achieves what he wants, and I hope that it is working effectively.

Training and Employment

4. **Nia Griffith** (Llanelli) (Lab): What recent discussions he has had with the First Minister on measures to promote training and employment in Wales. [285609]

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): My right hon. Friend the Secretary of State and I have regular discussions on training with Ministers, including the First Minister. Investment in training is key to ensuring future prosperity in Wales and placing Wales at the heart of economic recovery.

Nia Griffith: Does my hon. Friend believe that the future jobs fund could be used for a suggestion by my constituent Gerald Hughes to set up a scheme in which young people would take part in training and preparing for floods by dealing with flood defences and by learning how to fill sandbags and help people whose homes are flooded? Will my hon. Friend meet me to see whether that can be taken up in other areas of Wales as well?

Mr. David: I thank my hon. Friend for her question. She is absolutely right that the future jobs fund is extremely important to the UK, and especially Wales. There are more than 200 bids nationally, and we will examine the Welsh bids closely in the very near future.

My hon. Friend makes a good suggestion with regard to young people, because it is extremely important that we do everything possible to ensure that young people benefit from as many Government schemes as possible. There is a clear contrast between the commitment that we have given to young people and what happened under the previous Administration, when young people were forgotten about and a generation was literally ignored.

Finally, my hon. Friend mentioned that flood prevention schemes are important. I know that that certainly is the case in her constituency because of the River Loughor. Her suggestion would be a good example of using the future jobs fund for the needs of young people and the particular needs of her constituency.

David T.C. Davies (Monmouth) (Con): Does the Minister agree that employment and training will be badly affected in Abergavenny as the result of the closure of Hill college? Will he speak to the Welsh Assembly Government about reinstituting the money that they have slashed from Coleg Gwent's budget, which has brought that closure about?

Mr. David: As the hon. Gentleman knows, discussions have taken place as far as that college is concerned, but a tremendous amount of investment has taken place in further education in Wales. There have also been a number of schemes, such as the ReAct programme, that have fitted in well with what has been delivered by further education colleges in Wales. Such co-ordination and symmetry is absolutely essential to ensuring that education expands to benefit the population as a whole, and we must do our utmost to ensure that there is training and retraining for all people.

Nick Ainger (Carmarthen, West and South Pembrokeshire) (Lab): The Minister will know that work has already started on the £1 billion, 2,000 MW gas-fired power station at Pembroke, in my constituency, and that there will be up to 2,000 construction jobs. A local firm, Dawnus, has already won a contract and is employing local labour. Will he join me in encouraging other Welsh and UK contracting companies to bid for work on the power station, so that we maximise the number of local jobs and UK jobs for UK workers?

Mr. David: I very much agree with my hon. Friend that, the fact that a new power station is being built in his constituency is a massive vote of confidence in the local economy. Indeed, that very point was made in *The Economist* only a few weeks ago. On his specific point about employment, there is a marvellous opportunity for the work force of the area and the region. We in the Wales Office are certainly doing our utmost to ensure that local people derive the greatest possible benefit from that investment. To highlight that fact, I know full well that my hon. Friend had a meeting with my right hon. Friend the Secretary of State on Monday to discuss the matter. He can be assured that we are fully behind him on it.

Mrs. Cheryl Gillan (Chesham and Amersham) (Con): The defence training project at St. Athan would bring huge opportunities to Wales. Will the Minister confirm that the Secretary of State is co-ordinating with the Ministry of Defence and that the pre-contract agreement letter will be issued to the preferred bidder this week, on time on 17 July—or will the Government delay that?

Mr. David: The hon. Lady is correct to stress the importance of that investment to Wales. It will be the largest single investment ever in the Welsh economy. The defence technical college will be of tremendous benefit, not only to the Welsh economy but obviously to the United Kingdom armed forces. My right hon. Friend the Secretary of State fully recognises the importance of that; he has had discussions with the Secretary of State for Defence and they are going forward together. The hon. Lady can rest assured that we recognise the importance of the project for Wales.

Police (Funding)

5. **Jenny Willott** (Cardiff, Central) (LD): What discussions he has had with the Secretary of State for the Home Department on allocations of funding to police forces in Wales. [285610]

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): My right hon. Friend the Secretary of State and I have regular meetings with Home Office Ministers and, as a member of the National Policing Board and the National Crime Reduction Board, I am involved in discussions on a range of policing issues, including funding. The funding settlement that we have provided for the next three years clearly reflects the Government's continuing commitment to improving policing and further reducing crime.

Jenny Willott: South Wales police is facing possibly the worst financial crisis of any force, due to systematic underfunding under the police funding formula and the lack of extra funding for capital city policing. It is already closing four police stations in central Cardiff and now the new head of the Association of Chief Police Officers has warned that police officer cuts are likely. Will the Minister make urgent representations to his Home Office colleagues to ensure that South Wales police finally receives extra funding for policing the Welsh capital city?

Mr. David: It is important to put the hon. Lady's question in context and recognise that the number of police officers in Wales has increased by almost 1,000 in the past few years—a significant improvement. Throughout the length and breadth of Wales, including south Wales, people will testify to the fact that they want more proactive local and neighbourhood policing and that it is being delivered. I recognise the hon. Lady's points about the situation in south Wales, but let us also be clear that her Liberal party colleagues on the local authority in Cardiff have been reluctant to make the necessary increase in precept, which would allow proper funding. I am meeting the chief constable of South Wales in the near future to discuss her concerns and I am sure that she will mention the need to discuss the possibility of designating Cardiff as a capital city.

Mrs. Siân C. James (Swansea, East) (Lab): In these days when finances are so important to the police, we must praise their work at community level. That key role is recognised in the Building Britain's Future document. In my constituency of Swansea, East there are several community organisations, such as J.R. GroundForce in Blaenymaes and Portmead, which do a brilliant job. During the summer recess, will the Minister visit that excellent community project, which works hand in hand with the police in my constituency?

Mr. David: Yes, I am aware of the excellent work that is being done in Swansea by the police, my hon. Friend and local authorities working together to create a strong community partnership to ensure safer communities. I am well aware of the Blaenymaes and Portmead community endeavours. I would be more than happy to visit her constituency and perhaps some of those projects in the summer recess.

European Structural Funds

6. **Chris Ruane** (Vale of Clwyd) (Lab): What recent discussions he has had with ministerial colleagues on distribution of European structural funds in Wales. [285611]

The Secretary of State for Wales (Mr. Peter Hain): As a result of the Government's efforts, European structural funds have made a huge contribution throughout Wales, with some £1.54 billion awarded in the last spending round generating more than £3.8 billion in investments.

Chris Ruane: I thank my right hon. Friend for that response and for his brave decision in 1998 to include Denbighshire and Conwy in the objective 1 bid for Wales. We were left out and my right hon. Friend included us. Over the course of objective 1 funding, we hope to draw down £500 million in those two counties alone. Why did the previous Conservative Government not draw down objective 1 funding, despite the closure of Shotton steelworks, and the decline of agriculture and traditional seaside tourism? *[Interruption.]*

Mr. Speaker: Order. There is a real hubbub of private conversations on both sides of the House. It is unfair to the hon. Member for Vale of Clwyd (Chris Ruane) and to the Secretary of State who is about to reply.

Mr. Hain: I thank my hon. Friend for what he has said. Indeed, it was his persuasive case on that issue, put together with his colleagues, that allowed us to extend the boundary to include his constituency. Yes, he is absolutely right: because of their anti-European stance, our predecessors in government refused to draw down the enormous funding available for west Wales and the valleys, first under objective 1 and now under convergence funding. If they got back into power, that funding would be at risk again. That is the choice facing the people in my hon. Friend's constituency and right across west Wales and the valleys.

Economic Inactivity

7. **Bob Spink** (Castle Point) (Ind): What recent discussions he has had with the Secretary of State for Work and Pensions on the level of economic inactivity in Wales. [285612]

The Secretary of State for Wales (Mr. Peter Hain): I have regular discussions with my right hon. Friend the Secretary of State for Work and Pensions. We will not let short-term job losses turn into long-term unemployment, nor will we allow communities to be scarred by worklessness for a generation once again.

Bob Spink: The Secretary of State is right to mention long-term unemployment, because Wales was disproportionately affected by the loss of traditional industries, which took place as long ago as the '80s. Certain regions of Wales are still suffering from that, so will he redouble his efforts with the Welsh Assembly to ensure that further education is funded and that there are no cuts? That is the way forward.

Mr. Hain: Yes indeed. The hon. Gentleman is absolutely right: the period of Conservative Government in the 1980s and 1990s devastated communities right across Wales, including in my constituency. That is why, this time, compared with the 1980s and 1990s, we are investing in people, new jobs and skills, including in further education colleges, to ensure that the recession of this period is not as devastating as the misery that was caused in the 1980s and 1990s.

Mr. Stephen Crabb (Preseli Pembrokeshire) (Con): The latest unemployment statistics show that young people in Wales are among the hardest hit of any group in this recession. They are bearing the brunt of the downturn. Youth unemployment is going up and the pool of those not in education, employment or training is going up. Young people are also being hit as apprenticeships are being cut, as jobs are being lost, so could the Secretary of State please tell us today what he is doing to help Wales's young generation in 2009?

Mr. Hain: Yes, I am very happy to. First, the Welsh Assembly Government have announced a £20 million package to support new apprenticeships. Secondly, we established the future jobs fund. Thirdly, we have guaranteed help for all young people aged 18 to 24 who have been claiming jobseeker's allowance for 12 months. That will provide opportunities for young people, who I agree are facing genuine problems at the present time—a stark contrast with the 1990s and 1980s, when a whole generation of youngsters was thrown on to the scrap heap by the hon. Gentleman's Tory Government.

Armed Forces Day 2010

8. **Mrs. Madeleine Moon** (Bridgend) (Lab): What recent discussions he has had with ministerial colleagues and Welsh Assembly Government Ministers on plans for Armed Forces day 2010 in Wales. [285613]

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): My right hon. Friend the Secretary of State and I were both very proud to have played a part in Armed Forces day 2009. We are extremely grateful for the opportunity to pay tribute to the men and women of our armed forces. I have already had many discussions with Ministers about the preparations for next year's Armed Forces day, and I am very pleased that the 2010 national ceremony will be held in Cardiff.

Mrs. Moon: I thank my hon. Friend for his response. During this year's armed forces celebrations, veterans' organisations in Bridgend and Porthcawl held wonderful celebrations. Will he ensure that the Assembly Government help to co-ordinate and promote the various towns and local communities that will want to hold their own celebrations on that national day next year in Wales?

Mr. David: Yes, my hon. Friend makes a very good point indeed. It is important to have effective co-ordination in national celebrations, but a lot depends on what happens at the local level. One of the things that we have been doing successfully is having negotiations not only here in London, but with the Welsh Assembly Government and local authorities. I am sure that, in preparing for next year's Armed Forces day, those discussions will continue and bear fruit.

Mark Williams (Ceredigion) (LD): As part of those celebrations across Wales and beyond, will the Minister make a specific commitment to endorsing the work of the Royal British Legion and, in particular, the huge amount of pastoral work that it does in supporting ex-servicemen across the country? We are talking not just about an act of remembrance, but about an act of celebration of work that is ongoing.

Mr. David: One of the good things about Armed Forces day, and Veterans day before it, is the close co-operation with the Royal British Legion. I pay tribute to the commitment that the Royal British Legion has displayed, and I am sure that those discussions will continue to be effective in planning for the future. The hon. Gentleman is perfectly right that Armed Forces day is not simply a celebration of the tremendous commitment that our armed forces have shown in the past, but a celebration of the dedication that they display today.

Steel Industry

9. **Dr. Hywel Francis** (Aberavon) (Lab): What recent discussions he has had with the First Minister on the future of the steel industry in Wales; and if he will make a statement. [285614]

The Parliamentary Under-Secretary of State for Wales (Mr. Wayne David): Wales has a—*[Interruption.]*

Mr. Speaker: Order. Once again, there is far too much noise from both sides of the Chamber. It does not look or sound very good to the public.

Mr. David: Thank you, Mr. Speaker. Wales has a long, proud history of steelmaking, and the UK Government and the Welsh Assembly Government remain committed to supporting the industry. We fully recognise that these are difficult times, but my hon. Friend can be assured that this Government stand four-square alongside the industry.

Dr. Francis: I thank the Minister for his reply. In order to build on the very good relations that have long existed between the steel unions—led by the largest union, Community—and the employers, Corus, will he and the Secretary of State consider working with the First Minister of the Welsh Assembly Government to call a Welsh steel summit to ensure the long-term security and integrity of steelmaking in Wales?

Mr. David: I know that the UK-level steel summit has been extremely successful, and I believe that my hon. Friend has made a good point. Wales would certainly benefit from having a similar summit, bringing together Corus, the union Community, members of local communities and everyone who has a stake in the future of the industry. I certainly believe that that would be useful.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [286657] **Mr. John Maples** (Stratford-on-Avon) (Con): If he will list his official engagements for Wednesday 15 July.

The Prime Minister (Mr. Gordon Brown): This morning, I had meetings with ministerial colleagues and others. In addition to my duties in the House, I shall have further such meetings later today.

Mr. Maples: In 2006, we sent 3,000 troops into Afghanistan as part of a reconstruction mission. Now, our objectives are to defeat terrorism and to make Afghanistan a stable and effective state. Many of my constituents are not convinced that we have a credible strategy for achieving those objectives. Will the Prime Minister look again at those objectives in the context of what is achievable, so that I can explain to people in my constituency how we are to judge success?

The Prime Minister: I have to say to the hon. Gentleman's constituents that, since 2001, our objective has been to restrain, contain and defeat terrorism by acting in Afghanistan and working with the Pakistan Government. It was true that, in 2001, al-Qaeda was based in Afghanistan and given cover by the Taliban there. It is also true that it is now based mainly in north Pakistan. We have to make sure that terrorism cannot hit the streets of Britain, and that is why we cannot allow the Taliban or al-Qaeda-related activities to flourish in Afghanistan, and why we cannot allow the Pakistan Government to be overrun by people who are operating through al-Qaeda and the Pakistan Taliban. What I think is encouraging—and why I think that the hon. Gentleman should be able to tell his constituents that things are moving forward—is that, for the first time, the Pakistan Government are taking direct action in a systematic way, with the support of the population of Pakistan, against the Taliban and against al-Qaeda in Pakistan. That means that we have complementary action in both Afghanistan and Pakistan, and that is a necessary means of defeating terrorism in the world.

Miss Anne Begg (Aberdeen, South) (Lab): My right hon. Friend asked your predecessor, Mr. Speaker, to set up a Speaker's Conference to report on how we could increase the numbers of women, people from ethnic minorities and disabled people being elected to this House. This morning, the conference has published an interim report that makes proposals to increase the diversity of candidates standing for all the parties at the next general election as a step towards restoring people's faith in the democratic process, and in this House in particular. Will my right hon. Friend commit the Government to giving their wholehearted support to the important recommendations in the report, and encourage the leaders of all the parties in the House to do the same?

The Prime Minister: We should thank my hon. Friend, who was vice-chairman of the group that has submitted the interim report today. This is an important opportunity further to increase the number of women and disabled, black, Asian and minority ethnic people in our Parliament. The Government are committed to ensuring greater diversity of representation in public and political life—

Philip Davies (Shipley) (Con): More northerners!

The Prime Minister: The Conservatives should think about this, because they opposed the Second Reading of the Equality Bill in Parliament.

Mr. David Cameron (Witney) (Con): Yesterday, the whole country shared in the sorrow of our armed forces' families as they saw their loved ones come home. We support our troops and the reasons for their being in Afghanistan, but is not there a need for an even tighter definition of our mission? We are not trying to build a perfect democracy; we must focus solely on building security and stability so that the terrorists can never return. We have been in Afghanistan for eight years now. Does the Prime Minister agree with me that, if we are to maintain public support here and, vitally, in Afghanistan, we will have to show greater urgency and make more visible progress?

The Prime Minister: The whole country joins the people of Wootton Bassett in the dignified way in which they recognise the service and sacrifice of our armed forces. We owe a huge debt of gratitude to the people of Wootton Bassett who have to endure great tragedies and effectively see them happen as they welcome back the people who have died on behalf of our country. I hope—in fact, I know so—that everybody in the House will thank them for what they did yesterday.

The purpose of our mission in Afghanistan is very clear: it is to prevent terrorism coming to the streets of Britain. We are complementing the military action we are taking with action to build up the Afghan forces—the police and the military forces—and with economic and social development programmes that we are pursuing in Afghanistan to give people in that country a stake in the future.

As I have said, we must work on two fronts. We must ensure that we attack terrorism in Pakistan as well as defeat what is happening in Afghanistan. I hope that the right hon. Gentleman will understand that we increased the number of forces from 8,100 to 9,000 so that we could clear ground and make safe for the population of many areas of Afghanistan to vote in the coming general election and at the same time to enjoy the schools and the hospitals that are denied to them by the activities of the Taliban.

I want to thank our forces involved in Operation Panther's Claw for what they are doing. They have the support of the whole country, and they have the resources and equipment they need. Of course we keep under

review the numbers and the equipment needed for the future. I have said that we will look again at this after we have seen the Afghan election pass, peacefully and democratically, we hope. At the same time, I have talked to President Karzai about Afghanistan's own responsibilities—that the Afghans should provide army and police to Operation Panther's Claw. President Karzai has promised that he will provide additional resources for that purpose, and I believe that that is now starting to happen. I have also said to President Karzai that after October—[Hon. Members: "Come on"] I think it is important for the House to know this—after October, we are prepared to do more work mentoring and training the Afghan security services. We will consider that as we make our decisions on what we do after October.

Mr. Cameron: Of course, the most recent focus on building up the Afghan army and on the co-ordination between Afghanistan and Pakistan is right, but I think it would help to acknowledge that some of the early objectives were slightly lofty, slightly vague and the co-ordination was not there. I think we will take people with us for the future if we actually admit to some of the things that were got wrong in the past.

Let me ask some specific questions about helicopters and Afghanistan. Is not the basic problem this: the number of helicopters in Afghanistan is simply insufficient? Will the Prime Minister confirm that the American marines, who have approximately the same number of troops as us in Helmand, are supported by some 100 helicopters, whereas our troops are supported by fewer than 30? That is the case, isn't it?

The Prime Minister: The right hon. Gentleman is right to raise issues about the equipment so that I can assure him that we are doing everything that we can. [Hon. Members: "Answer."] I must point out that Lieutenant-Colonel Nick Richardson, who is on the ground in Afghanistan, has said:

"There's much speculation about helicopters and have we got enough. It's a sad fact that helicopters would not have saved the lives of the individuals last week."

The commander on the ground, he said,

"has sufficient to get on with the task with which he's been given."

And why? Because we have increased the number of helicopters by 60 per cent. over the last two years and we have increased the capability of helicopters by 84 per cent. I visited RAF Benson on Monday to see the Merlin helicopters that will be deployed in the field by the end of the year, and the training is being done immediately in America—*[Interruption.]* Look, as they move from Iraq to Afghanistan—I need to explain this—those helicopters are dealing with different terrain. They have to re-equip for the functions in Afghanistan, where they have to deal with heights and problems connected with temperatures and the weather. The helicopters are being refitted for that purpose. The crew have to be trained in different environments to be ready for Afghanistan.

Over the next 10 years, our helicopter budget will be £6 billion, spent to improve our helicopters in the future. We are working with NATO, which is providing through contracts helicopters for the transit of equipment, and at the same time, we have created a helicopter fund, which was our initiative, and others among our allies are now contributing, I believe, 11 helicopters to the allied effort in Afghanistan over the next period. We have done everything that we can to increase the number of helicopters and there will be more Merlin helicopters in the field.

I ask the Conservative party to look at the statements being made by those who speak for our armed forces on the ground. They have made absolutely clear that in this particular instance, while the loss of life is tragic and sad, it is not to do with helicopters.

Mr. Cameron: We must be frank about the difficulties and dangers in Afghanistan, and one of the difficulties is a shortage of helicopters.

Let me take each of the Prime Minister's arguments in turn. He talks of a 60 per cent. increase in the number of helicopters. That is in comparison with the position three years ago, when we had half as many troops. There has not been a proportional increase in the number of helicopters. Even the 84 per cent. increase in capability relates to helicopter hours. Clearly one helicopter can be in only one place at one time. If we want to move more troops around the battlefield more quickly, we will need more helicopters.

Let us take the argument about Nick Richardson. Of course I listen with respect to the official spokesman of the Army, but I think that the Prime Minister should also listen to someone like Stuart Tootal, who commanded 3 Para and who has said, for instance,

"In Afghanistan in 2006 repeated demands for more helicopters fell on deaf ears."

He should also listen to Lord Guthrie—*[Interruption.]* I do not know why Labour Members do not want to listen to what was said by the former Chief of the Defence Staff. He said this:

"of course they need more helicopters. If there had been more, it is... likely that fewer soldiers would have been killed by roadside bombs".

Those are important points, and we should listen to them.

Let me ask the Prime Minister this. Is not the reason we do not have enough helicopters that we did not plan to have enough? When the Prime Minister looks back to 2004 and his decision to reduce the helicopter budget by £1.4 billion, does he remember that the National Audit Office said in that year:

"There is a considerable deficit in the availability of helicopter lift"?

Does he now recognise that that decision was a bad mistake?

The Prime Minister: First, the number of troops in Afghanistan has risen from just over 7,000 to 9,000 over the last two years. The number of helicopters has risen by 60 per cent. That is a higher percentage rise. Secondly, I have talked to Tim Radford—*[Interruption.]* That is an increase from 7,000 to 9,000, and a 60 per cent. increase in the number of helicopters.

Secondly, I have talked—*[Interruption.]* I do hope that we can conduct this debate properly, because our troops will be paying attention to it as well.

I have talked to Tim Radford, the brigadier on the ground, and he has assured me that his troops have the equipment that they need. What we want on the ground are additional Afghanistan national forces, and that is what I have been talking about to President Karzai.

As for the defence spending programme, we have experienced the longest sustainable increase in defence spending in any period over 20 years. The reason is that, in addition to the defence budget, £14 billion has been spent on Iraq and Afghanistan, and £4 billion of that has been spent on urgent operational requirements for the troops. Part of the spending is on helicopters, and we have now committed £6 billion over the next 10 years to helicopter spending. We have already announced that more Merlins will arrive in the field later this year, and the helicopter fund is producing helicopters from allies as well. We have an order for more helicopters for the future. So the helicopter equipment programme continues, and we work with our allies to deliver the best services on the ground.

I think that we should look at this particular operation, Operation Panther's Claw, and be absolutely clear that it is not an absence of helicopters that has cost the loss of lives. We are dealing with improvised explosive devices on the ground, bombs that are against—*[Interruption.]* Since April, we have brought in more engineers to deal with that problem. Moreover, Operation Panther's Claw is making progress—despite the implication of some of these comments—and is gaining ground. That too is an important aspect of this operation. I hope that we can have a cross-party consensus on what we are doing to help our armed forces.

Mr. Cameron *rose—*

Mr. Speaker: Order. Before the Leader of the Opposition asks another question, let me say that I am very conscious today that we are hearing long questions and long answers from the Front Benches. I want Back Benchers to get in on this session, and I appeal to the Front Benchers to take account of that.

Mr. Cameron: The Prime Minister is right that our armed forces and their families are watching this debate, but on this issue they expect responsible questions to hold the Government to account and proper answers from the Government. The Prime Minister mentions the international helicopter fund. Will he accept that so far—it was announced 16 months ago—it has not yet added one single helicopter? The public will find it hard to understand why as a country we have 500 helicopters, yet fewer than 30 of them are in Afghanistan. Let me take one group specifically: why is it that only one of the eight Chinooks that were delivered in 2001 at great cost is now ready? Why has there not been greater urgency to deliver? That is a legitimate question, and it requires a proper answer.

The Prime Minister: The Chinooks are in the process of being adapted for Afghanistan. On the allies' contribution, three helicopters have either arrived or are about to arrive, 11 in total have been promised, and £30 million has been put into the helicopter fund by us and others. May I just explain to the right hon. Gentleman that helicopters have got to be adapted for the terrain in Afghanistan because they need to deal with excess heat and with height? Our helicopter crews have got to be trained for that particular operation in Afghanistan, and the reason that we have greater capability now is that we not only have more helicopters in the field, but more flying hours are being done by helicopter pilots and more staff are available, and we have readapted some of the helicopters to be able to make those flights.

It is important to recognise that, yes, our military commanders will always want more equipment—and rightly so—but Sir Jock Stirrup, the chief of the defence forces, has said that our armed forces are better equipped than ever before. I am not complacent—we will always be vigilant—but I do not believe this should be a subject of cross-party disagreement. I believe that we are making the provision that is necessary both for helicopters and for equipment on the ground.

Mr. Cameron: There is one way to help settle this important debate. The Ministry of Defence asked Bernard Gray to conduct a review of our helicopter procurement. That report is meant to be out in July, but there are rumours that it is being delayed and rewritten. Can the Prime Minister make it clear that this report will be published in full, and unredacted, before the summer?

The Prime Minister: We said last week that we are doing work related to a new defence review. We are looking first of all at the strategic aspects of that review, and then in the next Parliament there will be a full defence review. I think that is the right way to proceed, and I believe that Bernard Gray's report will be a significant part of the review, but we will start the review with the publication of what we believe are the strategic tasks ahead.

Mr. Cameron: That was absolutely no answer to the question about this important review. What the public want to know is that the Government have a relentless commitment to getting this right, but I have to say that they look at the fact that we are on our fourth Defence Secretary in four years, that defence procurement is shared by two unpaid and basically part-time Ministers, and that the Secretary of State ranks 21st out of 23 in the Cabinet. Are not the public right to ask, is the commitment and relentless activity really there?

The Prime Minister: I hoped that this debate could have escaped party politics and partisan points. I believe that at this particular time we have a duty to our armed forces. I think it is right that I explain to the House what equipment is available, what we are doing on helicopters, what we are doing on other equipment and what we are doing on the numbers of our armed forces. These are all legitimate questions and they should be answered by the Government, but I hope that the all-party agreement on what we do in Afghanistan and what we have to do to defeat terrorism will remain in being, and I hope we will recognise that in this particular exercise, Operation Panther's Claw, we are doing everything we can, and will continue to, to support our brave and courageous armed forces, who are both professional and determined, and who need, and will have, all our support.

Mr. Mark Todd (South Derbyshire) (Lab): Will my right hon. Friend reflect on the Ministry of Defence decision to appeal against the judgment that would allow hearings of cases of nuclear test veterans seeking compensation against the military for injury that they or their relatives may have suffered as a consequence of their exposure to nuclear explosion?

The Prime Minister: I will of course look at this, but as my hon. Friend knows, these are legal matters that have ended up in the courts and we must look very carefully at what we do.

Mr. Nick Clegg (Sheffield, Hallam) (LD): After everything that has happened over the last few months, people are crying out for change, yet we have the spectacle of a Prime Minister busy doing nothing. He pretends to control bankers' bonuses; they rise. He pretends to want to have a serious discussion on the economic mess we are in, yet he fiddles the figures. He pretends to want to reform this place and to clean up politics, yet nothing has really happened. People want action. They want something different, so what has been stopping him?

The Prime Minister: What the country wants us to do is take us through this difficult world recession, and that is what we are doing. The Opposition parties have no policies for jobs, no policies to tackle the recession, no policies for a recovery, no policies to help home owners and no policies to help small businesses. We have the policies and we are taking people through this difficult time.

Mr. Clegg: Who does the Prime Minister think he is kidding? We have seen huge executive pay packages in the banks that we own, city bonuses back in fashion, still no action taken to split up the big banks, no action on electoral reform and no action on party funding, and he has recently blocked giving people the right to sack disgraced MPs. Is this not just business as usual: a deliberate betrayal of people's demand for change?

The Prime Minister: We are bringing in the Political Parties and Elections Bill, the Constitutional Reform Bill and the Bill to reform the House of Commons. The right hon. Gentleman and the Leader of the Opposition should go away for the summer and think why it is that the Opposition parties have no policies to deal with the recession, no policies for recovery, no policies to help us create jobs and no policies for the future of this country. Perhaps, having gone back to the drawing board, they will think again.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Comrade leader, in these difficult and troubled times, do you agree that what the country needs more than anything else is a third aircraft carrier? [*Interruption.*] I repeat, in case that was not heard, that we need a third aircraft carrier. Does my right hon. Friend also agree that it is necessary for the Royal Navy, for the shipyards and for a big chunk of British industry that we have these aircraft carriers? Can he tell me why only the Government are firmly committed to building the two aircraft carriers and why neither of the two Opposition parties are so committed?

The Prime Minister: We are committed to building aircraft carriers; that gives work to people in all parts of the country, including those in my hon. Friend's constituency. We believe that aircraft carriers are an important part of our naval equipment for the future, and the programme will proceed, whatever the views of Opposition parties.

Q2. [256619] **Charles Hendry** (Wealden) (Con): I think that the Prime Minister will be aware of the case of a young girl in my constituency who was taken into care two years ago, at the age of five, and is now being proposed for permanent adoption, even though there is no suggestion that her well-being was under threat at home. East Sussex has a very good reputation for its children's services, but does he share my concern that too often these cases go through the courts in a manner that can do lasting damage to the child and that parents cannot ever hope to match the resources being allocated by the local authorities? Will he have a meeting with me and others, so that we can discuss this in order to ensure that the children's interests will be paramount and that parents can be assured of a fair hearing?

The Prime Minister: It is of course, as the hon. Gentleman will recognise, very difficult for me to enter into a discussion of an individual case, but if it is essential, either I or a Minister will meet him to discuss this. Local authorities are unable to place a child for adoption with prospective adopters without their parents' consent unless they have a placement order issued by the court. The debate that the hon. Gentleman has about what is happening in his constituency centres on that issue. I should tell him that we have tried to streamline the family courts to make them far more responsive to the needs of all concerned, particularly the children.

Mrs. Betty Williams (Conwy) (Lab): My right hon. Friend will remember the strong support that we had from church organisations in this country on the Make Poverty History campaign, with which he was very much involved. Church leaders in my constituency are involved in the Get Fair campaign, which seeks to tackle child poverty in this country. Will he give the same commitment to that campaign as he did to the Make Poverty History campaign, so that I can respond to my constituents?

The Prime Minister: My hon. Friend was a leader in the Make Poverty History campaign in Wales, and I congratulate her on that. The campaign to abolish child poverty is so important that we are going to bring forward a Bill that commits the Government to abolish child poverty. It is very important to recognise that 1.5 million children have been taken out of absolute poverty under this Government and 800,000 children have been taken out of relative poverty. We are raising child benefit and child tax credits, and we are creating Sure Start centres in this country that the Conservative party refuses to support.

Q3. [256620] **Alistair Burt** (North-East Bedfordshire) (Con): Across the east of England and in Bedfordshire, the Government's policy of moving the assessment of the need for more Gypsy and Traveller sites away from local councils to a regional body is causing intense concern and threatening to disrupt community relations, making them worse rather than better. Will the Prime Minister order an urgent review of a planning policy that is increasingly seen as no longer even-handed?

The Prime Minister: I believe that local authorities have fair powers to deal with the issue. I accept what the hon. Gentleman says—there has to be a solution found in each region for what is happening. I shall look at what he says, but we have to ensure that we balance the needs of local residents with the other responsibilities that we have as a country.

Q4. [286660] **Judy Mallaber** (Amber Valley) (Lab): At 2 o'clock, a hanging plant basket will be handed in to No. 10 for my right hon. Friend by Perfect Pots, a social enterprise run by pupils at the Holbrook centre for autism, with the charity HOPE and local business Amberol, an example that shows how people with severe autism and learning disabilities can be assisted to make a positive contribution to the work force and their local community, rather than just being cared for. Will he ensure that that is taken on board in the current consultation on support for adults with autism and the proposed national care service?

The Prime Minister: The Autism Bill that is currently before Parliament, and which the Government are supporting, sets out our commitment to publishing an annual strategy on autism, as well as statutory guidance for local authorities and the national health service. I have met members of the different charities that are working to deal with autism, which is a major problem that has gone long unrecognised. We know that more has to be done, and the Autism Bill is one way of doing that. More widely, we want to ensure that people receive the level of care necessary, and that is why yesterday we published our Green Paper on social care. That, too, will make a difference to those who have autism.

Mr. James Paice (South-East Cambridgeshire) (Con): I am sure that the Prime Minister is right that it takes time to equip helicopters and to train the crews for Afghanistan, but why does he pretend that the need has only arisen today? The reality is that we have been there for eight years, troop numbers have been rising throughout that time, and the demand for an increase in the number of helicopters has gone on rising. Why are they still being equipped and why are crews still being trained when the demand is there? Will he explain to the House and to our troops—

Mr. Speaker: Order. I am sorry, but the hon. Gentleman's question is simply too long.

The Prime Minister: The hon. Gentleman's question would have some validity if there had not been a 60 per cent. increase in helicopter numbers in the last two years, if we had not increased the operational capability of helicopters and if we were not putting more helicopters in the field as soon as we can. I have to insist that the terrain in Afghanistan is different from that in Iraq, and that is why we have to re-equip the helicopters with new blades, as well as retraining our servicemen to deal with those problems. I hope that the Conservative party will come to accept that we are doing everything that we can to equip our armed forces and that what the Chief of the Defence Staff has said is right—despite all the difficulties, our armed forces are better equipped than ever before.

Q5. [286661] **Julie Morgan** (Cardiff, North) (Lab): Last year, I was pleased to table a private Member's Bill to lower the voting age. Now that the Youth Citizenship Commission has reported, what plans does my right hon. Friend have to show a vote of confidence in young people and lower the voting age to 16?

The Prime Minister: One of the things that is happening over the summer is that the Youth Parliament will sit in this Chamber while we are away—I believe that you have made that possible, Mr. Speaker. The Youth Citizenship Commission has reported in the last few weeks and it looked at the issue of voting at 16. I think that people want to combine any change in the voting age with citizenship education working even more effectively in our schools, and we remain ready to push forward that debate, which has been started by the Youth Citizenship Commission, and get the opinions of young people, as well as of adults.

Q6. [286662] **Mr. Gregory Campbell** (East Londonderry) (DUP): In recent days, we have paid tribute to our servicemen and women in Afghanistan, and my right hon. Friend indicated that earlier. Previously we did that in Iraq and, for 30 years before that, in Northern Ireland. Surely now would be an appropriate time to consider some form of permanent recognition for these courageous service personnel, who deserve the enduring gratitude of the entire nation.

The Prime Minister: I shall look at what the hon. Gentleman says, but I think that he knows that there was an announcement in one respect by Her Majesty the Queen only two weeks ago. I shall look specifically at his recommendation.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): My right hon. Friend will be aware that this morning Jaguar Land Rover announced that it was phasing out the X-type model and that 300 jobs would be lost at the Halewood plant. Obviously, my right hon. Friend will agree that that is a severe blow to the Liverpool city region. Will he give me an assurance that the Government will do everything that they can to secure the long-term future of Jaguar Land Rover at Halewood?

The Prime Minister: Any redundancies and any loss of jobs are to be regretted. I believe that we will be able to help those people who are losing their jobs back into work. We also want to secure a future for Halewood. We have offered JLR a grant of £27 million towards the development of low-carbon Land Rovers at the plant. They would be produced there. We are trying to do what we can to replace lost jobs and I will work with my right hon. Friend, because I know that he does a great deal in this area, and with others in the region to make sure that jobs come to Halewood.

Armed Forces

Q7. [286663] **Dr. Julian Lewis** (New Forest, East) (Con): Whether insuring against the threat of state-versus-state warfare remains a core role of the armed forces; and if he will make a statement.

The Prime Minister: Our armed forces are fundamental to counter state-led threats. That was made clear in our national security strategy update, which we published last month.

Dr. Lewis: I am relieved to hear that. Before Iraq and Afghanistan, we were spending 2.5 per cent. of gross domestic product insuring against potential threats from

other industrial countries. As we are still spending 2.5 per cent., despite the additional cost of the counter-insurgency campaign and including the contribution of the Treasury reserve, which of those two major military roles is currently underfunded? One of them must be.

The Prime Minister: I have to say to the hon. Gentleman that defence spending has continued to rise in real terms, in contrast to what happened in the last years of the Conservative Government. I have to say, also, that in addition to the defence budget we have put aside £14 billion for the campaigns in Iraq and Afghanistan. I want to tell the hon. Gentleman that our budget, in cash terms, is still the second largest in the world.

Greg Mulholland (Leeds, North-West) (LD): On a point of order, Mr. Speaker—

Mr. Speaker: Order. I say to the hon. Gentleman that, as he will know, points of order come after statements.

UK Low Carbon Transition Plan

12.32 pm

The Secretary of State for Energy and Climate Change (Edward Miliband): With permission, Mr. Speaker, I should like to make a statement about the UK low carbon transition plan, which we are publishing today.

All of us in this House know the gravity of the challenge that climate change poses. We know that to rise to the challenge will mean comprehensive changes in our economy and our society. We are one of the few countries in the world to exceed our Kyoto targets, we are now the leader for offshore wind generation and we are the first country in the world to legislate for carbon budgets, but the proposals published today represent the first time that we have a set out a comprehensive plan for carbon across every sector—energy, homes, transport, agriculture and business.

A decade ago, the carbon impact of most policies was not even measured. Last year this House passed legislation for legally binding carbon budgets—measurable caps on our carbon emissions. That was a dramatic change in approach, but we need to go further because every part of Government needs to be responsible for meeting those budgets. So I can announce that from today not just the country as a whole, and not just the biggest Departments, but every Department has its own carbon budget. Having been the first country in the world to set legally binding carbon budgets, we are now the first country in the world to assign every Department a carbon budget alongside its financial budget.

The plan sets out how we will meet the carbon budgets set out by the Chancellor for an 18 per cent. reduction on today's levels by 2020, or a 34 per cent. reduction compared with 1990. Let me announce to the House how we will make the 459 million tonnes of carbon savings. In agriculture and waste, there will be a 6 per cent. cut in emissions—20 million tonnes—by 2020, made possible by new policies on waste and new commitments on farming.

In the transport sector there will be savings of 14 per cent., or 85 million tonnes, by 2020, as is set out in the sustainable transport strategy published today by my right hon. and noble Friend the Secretary of State for Transport. This includes plans for electrification of rail, tougher car and van emission standards, and the new £30 million fund to get low-carbon buses on the roads in the next two years. We are also doing more to bring about the transition to electric cars, with new funding making possible a recharging infrastructure in up to six cities.

Across business and the workplace, we show how we can make 41 million tonnes of savings, or 13 per cent. on today's emissions, including through the carbon reduction commitment to be introduced next year.

The most important reductions to meet our carbon budgets will be in how we generate and use energy. In the power and heavy industry sector, we show how emissions will be reduced by 22 per cent., or 248 million tonnes. With North sea gas production declining, if we carried on with business as usual, over the next decade our imports of gas would double. On the basis of the low carbon choices I announced today, our forecast is that rather than our gas imports doubling, they will be kept to 2010 levels for the whole of the following decade, so that with more low-carbon, home-grown energy, we avoid an ever-increasing dependence on imports.

I have listened to representations on renewable energy and have concluded that, for reasons of energy security and climate change, it is right to go ahead with plans for 15 per cent. domestic renewable energy by 2020. In the final decisions in the Government's renewable energy strategy, published today, we show how we can secure about 30 per cent. of our electricity from wind, marine and other renewable sources. We are also publishing the shortlist of Severn tidal schemes.

I believe it is right that we shall also go ahead with our plans for new nuclear power stations. We will publish our national policy statements on nuclear and other energy issues in the autumn, and the industry is planning at least 12.4 GW of new stations—more than current capacity. Alongside the most environmentally stringent coal conditions in the world, the Government have proposed up to four carbon capture and storage projects, and we have proposed legislation for the next Session of Parliament to make that happen.

Let me be clear: I believe that for the future of energy in Britain, clean coal has an essential role to play. As the plan sets out, renewables, nuclear and clean fossil fuels are the trinity of low carbon and the future of energy in Britain. It would be fatal to pick and choose between them; all of them should be part of our future energy mix. In total, our plans show that we will get 40 per cent. of our electricity from low-carbon energy by 2020 and more in the years that follow.

To deliver the changes in our energy supplies between now and 2020, we must make it easier for investors to turn low-carbon projects into reality. Having tackled the planning rules, I believe we now need to do more to deal with the issue of grid connection, so I am today announcing that I will exercise the reserve powers provided under the Energy Act 2008 for Government, rather than the regulator, to set the grid access regime. The new rules should be in place within 12 months, so that instead of waiting for more than a decade for grid connection, as can happen now, we can get the fast access to the grid that renewable projects need.

We also know that as we generate power in a cleaner way, we also need to use energy in a smarter way in our homes. In the plan we show how, in total, cleaner sources of heat and better use of energy can cut emissions from our homes by one quarter compared with today. We must also transform the information on energy use available to all of us, so as well as putting in place new funding today for smart grids, we propose to roll out smart meters to 26 million homes by 2020.

We need new incentives as well as better information. The plan makes it clear that in energy efficiency, we need a house-by-house, street-by-street transformation, like the transition from town gas to North sea gas in the 1970s. Over the next decade, our plan sees families not having to pay up front, but being able to spread the costs over many years, paid for out of the savings on their energy bills. Today we take the first steps with the first pilots of the new pay-as-you-save scheme.

As well as information for individuals and the right incentives, we know from the transition towns movement about the power of community action to motivate people, so we will provide £500,000 each to 15 areas of

the country for people to come together to trial the newest technologies and be beacons for how other communities can cut their carbon emissions. In addition, I can confirm that from next April, individuals and communities alike will be able for the first time to generate their own renewable power and sell it back to the grid, with guaranteed feed-in tariffs. The details of the rates and levels on which we are consulting are set out today.

We need reforms not only in how we produce energy and how we use it, but in how it is regulated. In the energy world of today, unlike that of 20 years ago, the job of the regulator is to help to deliver on our climate change commitments, because failure to act now will store up greater costs later. I therefore propose to change Ofgem's principal objective so that for the first time, reducing carbon emissions, as part of protecting the future consumer, will be explicitly set out as part of its guiding mission. Competition is essential, but we know from the experience of prepayment meters that it has not delivered for all consumers, so I will also make it clearer in Ofgem's principal objective that when competition does not deliver, it is its duty proactively to stand up for consumers throughout this country.

With greater expectations of the regulator should come greater powers, so I also propose to legislate to provide Ofgem with tough new powers to take action where it believes that there is anti-competitive practice in the generation of electricity. Strong regulation is all the more important given the upward pressures on prices in the coming years. Making the energy transition will have costs, but for households those costs are significantly offset by savings resulting from energy efficiency and reduced energy demand. Today's plan will not increase average household energy bills by 2015, compared with now. For households in 2020, the plans today will mean, on average, 6 per cent. on domestic bills—£75 a year—compared with today. If we include all previous policy announcements on climate change, the figure is 8 per cent.

Given the costs of transition and the priority of tackling fuel poverty, we need to do more to protect the most vulnerable consumers, so I propose to reform the system of social tariffs, as has long been urged. More than 800,000 households now receive discounts and other help with their energy bills. That is part of a voluntary agreement with the energy companies. I propose that when the voluntary agreement ends in 2011, discounts for the most vulnerable will continue not through a voluntary arrangement but through legislation for compulsory support from the energy companies. We will legislate to increase the amount spent, and we intend to target new resources at the most vulnerable consumers, particularly older, poorer pensioners. We must make the transition to low carbon on the basis of energy security and fairness, and we must also seize the industrial opportunities, using the money that the Chancellor allocated in the Budget. We have set out plans for carbon capture and storage and, today, for new investment in nuclear manufacturing.

As for renewables, Britain has half the usable tidal energy in Europe. Today I am committing up to £60 million to build our wave and tidal industries so that we can test new technologies and expand port access and deployment in key parts of the country. We also need to nurture the offshore wind industry, in which we have a unique resource, so I am making available up to £120 million to support the growth of a world-leading offshore wind industry in Britain. As well as supporting the demonstration and testing of offshore wind, the money will be used to attract offshore wind manufacturers to the UK. We estimate that those investments will help to nurture industries that can support hundreds of thousands of jobs in our country. We can make that investment today only because, even in the tough times, we made the choice to invest in the economy of the future.

Climate change is the moral issue of our time. In five months' time, the world must come together at Copenhagen and follow through on last week's commitment by world leaders to stop dangerous climate change. Today we show how Britain will play its part. Our transition plan is a route map to 2020. It strengthens our energy security, it seeks to ensure that the decisions we make are fair, and above all, it rises to the moral challenge of climate change. This is a transition plan for Britain, and I commend it to the House.

Greg Clark (Tunbridge Wells) (Con): I begin by thanking the Secretary of State for advance sight of his statement. After the briefings in the weekend press, which were even further in advance, he has been generous in informing us all about the content of today's policy announcements. Like the Secretary of State, I read all the best bits months ago in the Conservative Green Paper "The Low Carbon Economy", which, I am reliably informed, has lingered on his desk. That being the case, of course I welcome his remarks. This area of policy is crucial for Britain. Its consequences will affect our lives and those of future generations. Investments worth billions of pounds need to be made in a very short period. There is plenty of risk in that—risks inherent in the capital markets, in future energy prices, and in the technologies. However, for too long, public policy in this country has been a source of additional risk for investors. I am determined that instead of amplifying uncertainty, our policy, with its clarity, rigour and consistency, should be a haven from it. That means that on this issue we should not pursue narrow short-term partisanship; instead, the long-term interests of the country must come first.

If we are to have a fresh start, will the Secretary of State be candid in accepting that we start from a poor position? In 12 years there have been 15 Energy Ministers, but no energy policy. Does he recognise that while other countries have spent the past decade diversifying their supplies of energy, Britain has become even more dependent on imported fossil fuels? He talks about preventing that from happening in future, but I have news for him: it has already happened, and is threatening our energy security, economic competitiveness and climate change objectives.

Britain has some of the best natural resources in the world, so will the Minister explain why no other European country, apart from Malta and Luxembourg, generates less energy from renewables than we do? Does he accept that we have the least efficient homes of any major European country, and that one consequence of that is soaring fuel poverty? Social tariffs are of course important, but we must recognise that they are a sticking plaster rather than a cure for the problem.

Does the Secretary of State recognise that he is presenting Britain's consumers with the bill for this decade of dereliction of duty? Everyone one knows that

[Greg Clark]

doing things in a last-minute rush means that one always pays more than if one had planned and acted ahead of time.

While we welcome the intention of the proposals, we will judge them against the rigour, ambition and urgency of the proposals in our paper on the low-carbon economy. Will the Secretary of State therefore confirm that the home energy efficiency scheme will be available to every household in the country, not just to a few pilot areas? With the roll-our of smart meters already under way in America and elsewhere, why will he not set an earlier target than 2020? Does he accept that, by any logic, the required carbon capture from a power plant must be proportional to its size, and that that could best be achieved by an emissions performance standard?

Will the right hon. Gentleman scotch the rumour that he plans for just 2 per cent. of Britain's energy to be generated under the feed-in tariffs by 2020? Above all, is he committed to the radical change required by the 2050 target, or will he dilute the low-carbon economy with imported offsets that would rob Britain of moral and industrial leadership, and developing countries of the easy wins that they need to achieve their own targets?

Last week, the Secretary of State's brother, the Foreign Secretary, said:

> "We have to be honest...change has been incremental and continuity has been strong...our low carbon revolution is still to come."

The Secretary of State stands in a position of great moment. He must decide whether he will break with the past and implement rigorously the measures that both he and I know need to be taken, or whether the next six months, like the last 12 years, will prove to have been a time of opportunity lost.

Edward Miliband: Let me start by saying that I welcome the hon. Gentleman's opening remark that we should conduct the debate in as bipartisan a way as possible. I therefore regret the tone of his subsequent remarks, and I advise him that it does not make much sense for him to come to the House and say that he wants bipartisanship and then engage in attacks that are pretty much without substance.

I shall deal first with a point that the hon. Gentleman made that I consider to be very important for people watching in the country. He would have us believe that the reason why we will pay a higher price for the switch to renewable energy is something to do with what has happened in the past few years. He knows that that is not the case, and that the transition will have costs. I advise him in all seriousness that as we conduct this debate, we need to level with people about that. I have been very open about saying to people, "Look, there are costs to the transition." We will never persuade people to make the transition if we say that the costs are a result of Government inaction in the past: they are not, and the hon. Gentleman knows that, just as he knows that there are costs to the transition.

I hope that the hon. Gentleman will reflect on his remarks later, but let me turn now to the other points that he made. I did not hear him ask any real questions about the substance of my proposals, although I appreciate that he has not had much time to absorb them. However, I should be happy to answer any questions on the substance of the proposals, when he has some.

The hon. Gentleman mentioned the roll-out of smart meters, and I can tell the House that 48 million meters will be rolled out in the next decade. It is easy for an Opposition to say, "Let's do it more quickly," and that would be fine if there were ways to do that. However, we believe that 5 million meters are quite a lot to install in one year, and we are open to any quicker way of proceeding.

The hon. Gentleman asked about offsets. The Government have taken an ambitious approach to offsets, as did the Chancellor in the Budget. We have said that we will achieve the 34 per cent. reduction through domestic action, and exclusive of the EU emissions trading scheme. That remains the case. As he will know, because his deputies will have taken part in the debate on this, we have set the credit limit for the first budget period at zero. In fact, in our plans we over-achieve on our carbon budgets, but I hope that he is not falling for the idea that any offsetting abroad is automatically a bad thing—

Charles Hendry (Wealden) (Con): Ah!

Edward Miliband: The hon. Gentleman may say, "Ah," but the truth is that for Copenhagen we face a massive financing challenge, and developing countries are saying to us, "We need the finance to be able to make the transition to low carbon." If we are to make that transition to low carbon, we need all the means at our disposal, and that means private and public finance. We have in place domestic action to meet our 34 per cent. target, but we will not say that we will never engage in buying credits from abroad, because that is the right policy.

We have set out the rates for consultation on feed-in tariffs. We have listened to what people have to say, and we think that we have set a realistic estimate of what tariffs can achieve—but if they can achieve more, that is a good thing. Let me just end—*[Interruption.]* Let me just end—*[Interruption.]*

Mr. Speaker: Order. I am sorry to interrupt the Secretary of State, but I fear that the shadow Secretary of State and the hon. Member for Wealden (Charles Hendry) were probably not present in the Chamber during Wales Office questions, in which I indicated that this habit of wittering away from a sedentary position on the Opposition Front Bench must stop.

Edward Miliband: Let me finish by saying this to the hon. Member for Tunbridge Wells (Greg Clark): we are debating serious issues and we need as much consensus as possible. I regret the tone of his remarks, and the fact that he does not have anything of substance to ask about our proposals today. I look forward to debating them in the coming months.

Simon Hughes (North Southwark and Bermondsey) (LD): I thank the Secretary of State for his statement, and I congratulate him on his personal commitment to ensuring that we move to being a low-energy country. I welcome the announcement of carbon budgets throughout

the sector as well as for the Government as a whole, and I thank the right hon. Gentleman for announcing that the regulator will be given new requirements.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): You're supposed to be asking a question.

Simon Hughes: I am going to ask the Secretary of State questions, not because I want to be confrontational but because his policy is lacking in certain areas. Will he confirm that the Government will wish to be judged at the next election not on words but on delivery? Will he therefore explain why, on the day that we have heard that the only company producing turbines in this country is going to close, the Government have done nothing specific to support the growth of UK-based industry in the sector? What is his estimate of the amount of new technology that will be produced in this country, as opposed to abroad, by the end either of next year or of the next five years?

Given that we are at the bottom of the European league table on renewables, with a contribution of 2 per cent. compared with more than 30 per cent. in Sweden and almost 10 per cent. in Germany, is not the reality that, although the Chancellor announced incentives for the renewables sector in the Budget, he has subsequently failed, because the renewables industry has been waiting three months for the promised meeting to discuss how the European Investment Bank money can be accessed, and no meeting has taken place? Why have all the English regions bar one failed to reach their renewables target? What will change that situation over the next year, and the next five years? Will individual communities, including counties such as Cornwall and countries such as Wales, be able to get on with their own policies to deliver the green peninsula, in Cornwall, and the green country, in Wales, without the Government telling them what to do?

On fuel poverty, given the criticisms by the Secretary of State's own advisory body and the fact that the number of people in fuel poverty has gone up from 1 million to 4 million, will he give a categorical promise that none of the policies that he has announced will adversely affect those on low incomes—not just the 800,000 whom he mentioned in his statement, but the millions of people on low incomes—and that they will not be forced to pay the bills for the policy that he has announced? Will the bills fall on the private sector, with its big profits, and on those of us who can afford to pay, so that in the end we have a fairer Britain, not just a greener Britain?

The Secretary of State knows that my party does not share the Labour-Tory love-in with the nuclear industry. Is it not true that no new UK nuclear power station has ever been built on time or to budget? Is it not also true that the more that he and his friends cosy up to the nuclear industry, the more likely it is that the renewables industry will not get the support and technological investment that it needs?

On the grid, I welcome what the Secretary of State has said as far as it goes, but how soon will there be flexible access, which has been denied for years, so that people can start to contribute as they have been waiting to do? Are we as a country now committed to the European super-grid? If so, what are we going to do about it?

Two last things, if I may. First, are we going to—

Mr. Speaker: Order. May I say to the hon. Gentleman that if there are two last things, they need to be two very brief last things, because he is already over time?

Simon Hughes: Mr. Speaker, I am grateful.

Are we committed to decarbonising the power sector fully by 2030? And, what will the Government do to help the biofuels industry? Many small businesses have supported it but now believe that it is being regulated out of existence. For example, it has produced fuel from used chip fat and wants to contribute to a new renewables industry, but it has been told that it cannot do that in the future.

Edward Miliband: The Liberal spokesman asks serious questions that deserve answers. Let me try to answer them as best as I can.

We had discussions with Vestas, but I want to make it clear that it never wanted grants or money to persuade it to stay in this country. The option was obviously considered with the company, but there were two factors in its decision. The first aspect is that it was making turbines for America, where it had a factory. The second aspect is related to the hon. Gentleman's point about renewables, and is a big issue for everyone in the House. It is about planning—not so much the planning rules, because we are changing them, although unfortunately the Opposition want to reverse that change, but the question whether one can get onshore wind turbines built. Vestas' speciality is onshore wind, and that requires political persuasion—a hard job for all parts of the House. The job is to persuade people that although onshore wind turbines may be unsightly to some, the bigger threat to the countryside is not wind turbines but climate change. Of course there are areas where wind turbines would be inappropriate, and we have proposals today in our renewable energy strategy about how we can work with local people to site the turbines more sensitively, but they have to go somewhere, and we all need to focus on that necessity.

We are proceeding with the investments via the European Investment Bank, the money will be going out of the door soon—in the autumn, I think—and we are going as fast as we can. If there is an issue about meetings with representatives, I am happy to address it.

On fuel poverty, the hon. Gentleman is right to say that we face a massive challenge. It will be an even bigger challenge in the future. I am happy to work together on the issue, but we need to find all the ways to tackle fuel poverty that we can. Reforming social tariffs is a good start, but if there are other ways we should definitely use them, because given the upward pressures on prices, fuel poverty will be a big challenge over the next decade—and, frankly, beyond that.

The hon. Gentleman and I disagree about nuclear energy. I am not engaged in a love-in with the nuclear industry, but I do think that nuclear energy has an important role to play. On grid access, I said that the new plans would be in place within a year, and that that is how we will speed up the connections, because I did not want the stand-off between the industry and Ofgem to continue.

The super-grid is an interesting idea, but it is expensive. None the less, we are happy to explore it, and we are doing so. I would be happy to talk to the hon. Gentleman separately about some of the other questions that he raised.

Colin Challen (Morley and Rothwell) (Lab): I very much welcome the statement, because I think—or at least, I hope, because I have not read the White Paper yet—that it represents a big break from the energy policy of every Government since the time of Gladstone, which has been "Dig it up and burn it." Latterly, of course, that has included uranium. I hope that we are going to shift away from that territory, but I would welcome a statement by my right hon. Friend about how we will convince the likes of BP, Centrica, Shell and the owners of Scottish Power to reinvest in renewables, because during the recession they seem to have backed off.

Edward Miliband: I think that it would be over the top for me to claim that this is an historic moment comparable to those associated with Gladstone; I shall settle for a lower level of ambition than that. My hon. Friend raises an important issue, however, about what those energy companies have been doing. The Chancellor's decision in the Budget to look into support for offshore wind was important, but we then come back to issues such as sorting out planning and grid access. People need to be convinced not just that there is a theoretical financial investment worth making in the UK, but that it will be made on time, that it will start, and that it will not be obstructed by planning rules. That is why it is regrettable that there is not all-party support for our planning reforms.

Several hon. Members *rose—*

Mr. Speaker: Order. Thirty-two Members are seeking to catch my eye; as always, I want to call as many as possible. I look to each right hon. or hon. Member to ask one brief supplementary question, and I look to the Secretary of State to provide a pithy reply.

Mr. Michael Jack (Fylde) (Con): May I commend the Secretary of State for adopting many of the recommendations on low-carbon economies and fuel poverty made by the Environment, Food and Rural Affairs Committee? In that context, why will the total budget of the Warm Front scheme be reduced in the next financial year? After all, the right hon. Gentleman has put a strong emphasis on improving home energy efficiency for those on low incomes and the Committee has recommended that one way of dealing with the financial deficit is to deny higher-rate taxpayers access to the winter fuel payment.

Edward Miliband: I do not agree with the proposal that the right hon. Gentleman mentioned in the second part of his question; we need a balance of universal and targeted measures. On the first part of his question, I should say that we have brought forward a lot of the Warm Front spending, and that is one of the reasons why the budget goes down. We always seek to do more on such issues.

Dr. Alan Whitehead (Southampton, Test) (Lab): I warmly welcome my right hon. Friend's statement. He is absolutely right to concentrate on the recalibration of the grid and on the makeover of homes in the domestic energy sector, and absolutely right to look fundamentally at the reconstitution of Ofgem's responsibility for renewable energy. In parallel with those moves, will he talk to his colleagues in other Departments to ensure that we have the necessary skills, training and work force equipment so that the new low-carbon economy that his moves presage can be developed effectively, using the skills of UK workers and technicians?

Edward Miliband: Yes; my hon. Friend raises an important point. We need to make sure that there are people in Britain trained to take advantage of all these plans. We will endeavour to do so.

Mr. John Gummer (Suffolk, Coastal) (Con): I am sure that the Secretary of State will accept that some of us have been pressing a whole range of these things on him and his predecessors for a long time. Now I press him again on a specific point. Will he agree that every Department of State will now never rent or buy offices that use hydrofluorocarbons in their air conditioning? Will he accept the Dutch understanding, which is that that is one of the major impacts on global warming? Finally, will he stop the British Government being one of the dirty Governments who have not voted against HFCs and in favour of their being banned in the near future?

Mr. Speaker: Order. The right hon. Gentleman has asked three questions, but I feel sure that we will have one answer.

Edward Miliband: I shall quickly pay tribute to the right hon. Gentleman for all his work on a whole range of issues, including this one. I shall take up the matter that he has mentioned with my noble Friend Lord Hunt, who has direct responsibility for such issues. We certainly want to make progress on HFCs as quickly as possible.

Alan Simpson (Nottingham, South) (Lab): I hope that the Secretary of State will take the opportunity to remind the press, as well as the House, that the one comprehensive study on the costs of introducing an ambitious framework of feed-in tariffs has shown that, by 2020, the UK energy account would be £12.5 billion better off as a result of our being able to produce our energy rather than importing it. That, however, depends on the introduction of an ambitious scheme.

I would be grateful if my right hon. Friend came back with a specific answer to the question of percentages. Is he still working to a 2 per cent. contribution of renewable energy from feed-in tariffs? That figure was first set out in the Element Energy report and it was limited to assumptions about a threshold of 50 kW. The Secretary of State was responsible for a hundredfold increase in that. Does the scale of our ambitions now match his original intentions?

Edward Miliband: We are consulting on those questions. Let me say to my hon. Friend, who is a long-standing campaigner on these issues, that we are talking about two sets of things: the feed-in tariffs and the renewable heat incentive. Both can make a contribution. As I said, there is a consultation and we look forward to hearing his views.

Mr. Lilley: Why did the Secretary of State's reassuring figures on the impact of these measures on household budgets contradict the figures in his most recent impact statement, which showed that the cost of renewables

currently adds 15 per cent. to electricity bills—a figure set to rise to nearly 50 per cent.—and that the increase in gas bills will be 46 per cent.?

Edward Miliband: The figures are all set out in the documents. As I made clear in my statement, we need to look at the cost of renewables and the benefits of energy efficiency, smart metering and all the other measures that we are implementing as a result of climate change. That is the right way to look at the average impact on bills.

Mr. Michael Meacher (Oldham, West and Royton) (Lab): How does my right hon. Friend justify offering the airline industry a virtual exemption from the disciplines that will apply to almost all other industrial sectors? According to projections, by 2050 the rise in aircraft emissions is expected to negate the cuts made in all other industrial sectors. Surely this cuckoo-in-the-nest protection of one highly polluting industry is simply no longer tenable.

Edward Miliband: I want to make one thing clear. We were the people who pushed for aviation to be included in the EU emissions trading scheme and for a price to be put on aviation. We are raising air passenger duty, and we are the first country in the world to say that by 2050 we will get aviation emissions back to current levels. We are the first to have set a framework for aviation emissions. The truth is that we cannot have equal cuts across the board if we are to do things in the most cost-effective way.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): The Secretary of State's announcement on social tariffs will be of no benefit to those who rely on unregulated fuels, such as oil and liquefied petroleum gas, to heat their homes. What assurance can he give the rural fuel-poor that they will not be penalised to pay for the low-carbon strategy?

Edward Miliband: There is a whole range of schemes to help the fuel-poor, including in rural areas. There is the carbon emissions reduction target, or CERT, scheme and the new community energy savings programme, or CESP, scheme that my hon. Friend the Minister of State has been taking through this House. We know that there is more to do on fuel poverty, particularly in relation to the rural fuel-poor.

Mr. Adam Ingram (East Kilbride, Strathaven and Lesmahagow) (Lab): I draw my right hon. Friend's attention to the Scottish fossil fuel levy fund, which stands at £150 million and is rising almost exponentially. The money can be spent only on the promotion of renewable energy, yet the Scottish National party-controlled Administration in Edinburgh will not draw it down. I ask my right hon. Friend to use all his influence to encourage them to use that money for the purposes for which it has been raised.

Edward Miliband: I fear that my influence with that Administration might be limited, but I will endeavour to exercise that which I have.

Mr. Tim Yeo (South Suffolk) (Con): I warmly welcome the Secretary of State's statement and the measures that he has announced. They are a sign that the Government are at last addressing the task of decarbonising Britain with the necessary urgency. In view of the importance of early progress towards what he has set out, does the Secretary of State accept that disentangling the effects of the recession on what will probably be a short-term reduction in emissions from the effects of the measures that he has announced is important to the process of evaluation over the next few years?

Edward Miliband: The hon. Gentleman has made an important point. He does important work in the Environmental Audit Committee on these questions, and I enjoy talking to him about them. It is true that in meeting our carbon targets we should not rely on what has happened in the economy in the past 18 months or so. That is part of the reason why it is right that we have been ambitious in the numbers that we have set out and why I said that we should over-achieve on our carbon budgets. We also have to tighten the budget when it comes to an ambitious deal at Copenhagen.

Dr. Desmond Turner (Brighton, Kemptown) (Lab): I am pleased that my right hon. Friend is recognising the potential contribution of wave and tide technology towards our renewables targets, and I am glad that he has made provision for its support. However, that provision does not account for even 50 per cent. of the £405 million provided in the Budget for renewable energy support. Furthermore, on the face of this statement, it does not take into account the special difficulties faced by the wave and tidal industry at present: there is a zero market for it.

Offshore wind, however, has the double renewables obligation certificates regime, which is fine for such a well established technology. Many severe problems face the wave and tide technology industry, which needs Government help to get it over the hurdles. Can my right hon. Friend be more specific about what he plans to do about that?

Edward Miliband: My hon. Friend has made an important point. We need to consider how to drive forward marine and tidal technology, including in respect of the ROCs issue, which he raised. As for the £405 million, we are spending the money carefully and will make further announcements in due course.

Mr. John Redwood (Wokingham) (Con): When will work begin on the first new nuclear station and carbon storage plant identified in the Secretary of State's statement? If it is not soon, the epitaph of this Government will be that they turned the lights out and left us all in the dark.

Edward Miliband: The right hon. Gentleman obviously practised that one in advance. Construction of the new nuclear stations begins in the early part of the next decade because we have to go through the consultation, the strategic siting assessments, and so on. It is a bit rich of the Conservatives to accuse us of being too slow on these questions given that they opposed our proposals right up until the last minute. We want to move forward as fast as possible on carbon capture and storage.

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): I welcome the statement, particularly in relation to

[Mrs. Louise Ellman]

transport. Can my right hon. Friend assure me that spending restrictions will not cut across any of these proposals?

Edward Miliband: I certainly hope not.

Miss Julie Kirkbride (Bromsgrove) (Con): How much of the UK's energy production will be sourced from nuclear by 2020?

Edward Miliband: That depends on how quickly the plans move forward. From 2018, the new stations will start to be built. As I said, the companies have plans for about 12 GW, which is more than existing capacity. I do not think that all of it will be built by 2020, but it will probably be built in the early part of the following decade.

Clive Efford (Eltham) (Lab): My right hon. Friend will appreciate that the Government have set themselves some challenging targets for reducing CO_2 emissions. What role will the Climate Change Committee have in monitoring the progress and success of the substantial measures that he has announced?

Edward Miliband: The committee will produce its first report card—as I think we should now call it—on our progress in September, and it will then produce annual report cards.

Willie Rennie (Dunfermline and West Fife) (LD): As Longannet power station is in my constituency, I am obviously keen for it to win the CCS competition, in which Scottish Power is an enthusiastic bidder. We are keen for the decision to be announced as soon as possible. Can the Secretary of State go further than saying that he is enthusiastic for it to move forward as fast as possible and give us an indication of when the result will be announced?

Edward Miliband: We are engaged in a competition and the invitation to negotiate has gone out to the companies involved, which will put forward their proposals. They will then have to do the engineering and design studies, for which they will receive funding to help them, and we will choose a winner next year.

Tom Levitt (High Peak) (Lab): Will my right hon. Friend join me in congratulating Kingspan on recently winning the Queen's award for enterprise? As he knows, Kingspan, which has a factory in Glossop, creates high-quality insulation materials. What will he do to promote the use of insulation, both in retrofitting and in new property, before the 2016 zero-carbon new homes limit, not just in the homes of the fuel-poor but in all buildings?

Edward Miliband: I had the pleasure of attending a Kingspan reception before it got its Queen's award, and I pay tribute to the work that it does. I did not get a chance to announce in my statement that we are extending the CERT scheme to the end of 2012, which means that on top of the plans that we have already announced, another 1.5 million homes will be insulated. I hope that that will involve the use of a whole range of materials from a whole range of companies.

Mr. Andrew Robathan (Blaby) (Con): The Secretary of State may not know of my long-standing support for renewable energy, but he will know of the plethora of planning applications for onshore wind farms in the crowded east midlands. I shall not oppose those on the grounds that they are in my back yard, which they are, but my constituents are concerned about the proximity of some wind turbines to dwellings. Will he please look carefully at the paper by a consultant in sleep disorders that I have sent him, which says that the low-frequency noise resulting from proximity to wind turbines can have an impact on sleep? I would be grateful if he would take account of those concerns, address the issue quickly and give a clever answer.

Edward Miliband: I am not sure that I can give a clever answer on the spot, but I am glad to hear that the hon. Gentleman is a "yimby" rather than a nimby on these questions. I will look at the paper that he has sent me.

Paul Flynn (Newport, West) (Lab): As the world's only new nuclear power station is already three years late in its construction and €2 billion over budget, is it not better to concentrate on the wonderful opportunities that we have for marine energy? In this country, we have half the amount of all the potential in Europe for exploiting tidal power. Is not the way forward to concentrate on power sources that are carbon-free, British and eternal? Why is the opportunity vast but the investment puny?

Edward Miliband: I think that the investment is quite significant. On the delay to the Scandinavian nuclear power station, those involved did not undertake the generic design assessment that we shall undertake in this country. Part of the delay was caused by their not agreeing the design with the regulators in advance. As I said in my statement, we need all the low-carbon technologies. Marine is important and wind is important, but nuclear is also important.

Mr. John Hayes (South Holland and The Deepings) (Con): Does the Secretary of State appreciate that scepticism about his policy on wind turbines, fed by the feeling that insufficient account is taken of their cumulative impact on flat landscapes such as the fens, where they can be seen in all directions for miles, would be exacerbated if he granted permission for new fossil fuel power stations fed by imported gas in those same vulnerable landscapes?

Edward Miliband: I obviously cannot comment on particular planning decisions, but my ministerial team and I will endeavour to look at the point that the hon. Gentleman raises.

Dr. Gavin Strang (Edinburgh, East) (Lab): May I particularly congratulate my right hon. Friend on his announcement that the Government, not the regulator, will set the grid access regime? Does he agree that our centralised transmission system means that on microgeneration we are years behind countries such as Germany and Denmark? On the feed-in tariff, which he understands is absolutely vital, will he do all that he can to move forward with urgency, for which, of course, we need the full co-operation of National Grid plc?

Edward Miliband: I thank my right hon. Friend for his remarks. I agree about the need to move forward on grid access, and I can promise him that the feed-in tariff will come in from April 2010.

Mr. Mike Weir (Angus) (SNP): The Scottish Government have a world-leading target of a 42 per cent. reduction in emissions in anticipation of agreement at Copenhagen. That obviously involves a large increase in renewables. I welcome what the Secretary of State said about grid access, but will he also think about transmission charges and balancing charges, which are a real problem for some renewables generators in Scotland? Any help that he can give us in prising the fossil fuel levy from the Treasury would be very welcome.

Edward Miliband: I do not want to get involved in an argument between the Treasury and the Scottish Government, as I might come off worse. We will consider the point that the hon. Gentleman raises. Grid access is a very important in every respect. Separately from my decisions, Ofgem is looking at the rates that will be set for the fifth round of grid access charges. I hope that that may help on the issue that he raises.

Mark Durkan (Foyle) (SDLP): I thank the Secretary of State for his statement and welcome many of the commitments made in it, although some of us are not persuaded on the cost or contribution of nuclear in this context. The test will be in the detail of delivery. Does he recognise that there are eight different Administrations in these islands who have different interests and involvements in energy, renewable energy, conservation measures and fuel poverty, and that he will therefore need to co-ordinate all those Administrations, possibly through the British-Irish Council, to ensure that these islands become a positive and strong centre for renewable energy?

Edward Miliband: My hon. Friend makes a very important point. The British-Irish Council plays an important role in working on some of these energy issues. We need to co-operate across the whole of the United Kingdom as much as possible.

Mr. John Maples (Stratford-on-Avon) (Con): In developing these policies, what account has the Secretary of State taken of two recent but rather unexpected pieces of scientific evidence? One is the Hadley Centre's series of global temperatures, which is one of the four series used by the intergovernmental panel on climate change, and which shows cooling since 1998. More recently, the American series developed by NASA, which uses measurements from satellites in space and is thought to be the most accurate of all, shows global cooling over the past 30 years.

Edward Miliband: I was not aware of the second piece of evidence that the hon. Gentleman mentioned. On the first piece of evidence and more generally, one problem is that the results of studies taking 1998 as a starting point are very adversely affected by the impact of El Niño, which caused a significant amount of global warming. Therefore, it may look as though there has been overall cooling since 1998, but the evidence over a longer period of two decades that I have seen and have been advised on suggests that climate change is getting worse, not better.

Jeff Ennis (Barnsley, East and Mexborough) (Lab): Does my right hon. Friend recall that in the 1980s this country was the world leader in the development of clean coal technology via the fluidised bed plant at Grimethorpe colliery in my constituency—until the Thatcher Government pulled the plug on its funding? Does he agree that Yorkshire again has a leading role to play, this time not just in the development of clean coal technology but in the development of carbon capture and storage?

Edward Miliband: I agree with my hon. Friend. I know that the hon. Member for Tunbridge Wells (Greg Clark) was not in the Conservative party in those days—he was in a different political party—but mistakes were made. There are imaginative proposals from Yorkshire Forward about these matters, as well as from a number of other regions of our country. I hope that they can benefit from our proposals on carbon capture and storage.

Mr. Roger Williams (Brecon and Radnorshire) (LD): I am sure that everyone will welcome the Secretary of State's announcement of a definite day—1 April 2010—for the introduction of feed-in tariffs. For those companies and individuals that are producing renewable energy with the benefit of the ROC system, will there be an opportunity to change to a feed-in system if that is more appropriate?

Edward Miliband: The hon. Gentleman raises an important point. We want to ensure that people have certainty going forward and that we have the right arrangements in place. They are set out in detail in our renewable energy strategy, which has been published today.

Jeremy Corbyn (Islington, North) (Lab): What assessment has the Secretary of State made of the environmental impact of uranium mining, the energy usage in refining uranium and the long-term costs of storage and clean-up after nuclear power stations have run over their time?

Edward Miliband: My hon. Friend asks an important question. On the first part, we are convinced that the carbon gains from nuclear power far outweigh the costs that he was talking about. On the second part, waste and clean-up are a big legacy issue in Britain. That is why we passed legislation to place the responsibility for those costs on the private sector.

Dr. William McCrea (South Antrim) (DUP): The Secretary of State said that cuts in emissions in agriculture would be made possible by new commitments on farming. Can he tell the House how he expects the agriculture industry to face those challenges? Surely it is important that we do not challenge the profitability and sustainability of farming throughout the UK.

Edward Miliband: The hon. Gentleman is completely right. My right hon. Friend the Secretary of State for Environment, Food and Rural Affairs will want to work with farming communities across the UK on how that can be done. Innovative methods have been produced by a range of farmers across our country, and we will want to do this sensitively.

Nick Ainger (Carmarthen, West and South Pembrokeshire) (Lab): I welcome the statement, and particularly the fact that households will now be incentivised. The idea of spreading the cost of energy-saving equipment in the home is excellent.

May I come back to the issue of social tariffs? Hundreds of thousands of rural households cannot benefit from social tariffs for their heating. Can the Secretary of State assure me that, in the legislation that he is proposing, rural households and particularly the oil companies that supply them, which are currently making billions in profits, will be part of a social tariff for rural communities?

Edward Miliband: We will consult on the details, and we will definitely consider the impact on rural communities.

Mr. Peter Bone (Wellingborough) (Con): Was the Secretary of State slightly disappointed by the Chancellor's U-turn in putting up air passenger duty rather than taxing planes—in other words taxing passengers rather than the polluter?

Edward Miliband: No; I think that the Chancellor made the right decision. There are different ways in which we can have an impact on aviation and air travel. There needs to be more carbon accounting for the costs of air travel, and that is what we are doing.

Albert Owen (Ynys Môn) (Lab): I very much welcome the recommitment to both renewable and nuclear power as part of the trinity that my right hon. Friend described. He has answered the very important question about developing a skills base for the future, but we also need a UK supply base for these exciting developments. Will he ensure that that happens and work with local assemblies and local authorities so that we get a proper UK supply base for the future?

Edward Miliband: I agree with my hon. Friend, and I hope that the money that we have made available for renewable energy will help people throughout our country. There are important opportunities, and we want the UK to take them up.

Bob Spink (Castle Point) (Ind): Will the autumn national policy statement on nuclear set out detailed time scales for the programme of the building of new nuclear plant and its coming on stream, and of the decommissioning of the old Magnox stations?

Edward Miliband: The national policy statement will certainly set out the details of new nuclear. That will be the focus of the statement.

Tony Lloyd (Manchester, Central) (Lab): In welcoming his excellent statement, may I ask my right hon. Friend the following? Will he examine how the large energy and engineering companies and vehicle manufacturers can partner smaller would-be developers, which are sometimes in the academic world and sometimes just small venture companies, to ensure that we maximise the national advantage to jobs and so on and get the maximum commercial advantage out of the exciting revolution that he proposes?

Edward Miliband: I am glad that my hon. Friend raises that point, because there are proposals in the low-carbon industrial strategy about how Government can work better on electric vehicles. I believe that an office is being set up to tackle the matter in the Department of my right hon. Friend the Minister for Business, Innovation and Skills. We need to bring together the incentives, the charging infrastructure and the huge opportunities in the UK for the production of such vehicles.

Barry Gardiner (Brent, North) (Lab): I warmly congratulate my right hon. Friend on his excellent statement. He will know that the Severn is designated a Natura 2000 site by the European Union. Given his announcement of the publication today of the shortlist of tidal proposals, can he advise the House of the progress that has been made in identifying the alternative ecosystems that we would have to provide under the Natura 2000 provisions in order to proceed with de-designation?

Edward Miliband: My hon. Friend speaks with great authority on these matters. My understanding is that we have now published the shortlist, and that the process that will now take place will include an examination of all the different aspects, including the environmental pros and cons for climate change and local environmental habitats. I am sure that that will be taken into account.

Several hon. Members *rose—*

Mr. Speaker: Order. Before I take points of order, given my exhortations about brevity I would like very warmly to thank hon. and right hon. Members from the Back Benches, and those speaking from the Front Benches, for the fact that they have taken heed of them. Aside from the Front Benchers, no fewer than 33 hon. and right hon. Members spoke from the Back Benches. It shows what can be done.

Points of Order

1.26 pm

Norman Baker (Lewes) (LD): On a point of order, Mr. Speaker. I seek to invoke your help to improve ministerial accountability to the House. Paragraph 9.3 of the ministerial code states:

"Every effort should be made to avoid leaving significant announcements to the last day before a recess."

However, we all know that every single July we have a plethora of 30 or 40 written statements on the last day before we go into recess, including a whole lot of bad news that is being buried together. I have raised the matter with the Prime Minister on a number of occasions through written questions. Most recently, I asked him what steps he would take to ensure compliance with paragraph 9.3 of the ministerial code, to which he replied:

"Guidance for Ministers on announcements is set out in the Ministerial Code."—[*Official Report*, 13 July 2009; Vol. 496, c. 108W.]

That was all there was. What steps can you take, Mr. Speaker, to ensure that next week we do not have 30 or 40 statements on the last day as usual?

Mr. Speaker: The hon. Gentleman has made his views very clear, and I am grateful to him for doing so. I think that he will understand, and I hope the House will appreciate, that it is not for me to rule or adjudicate as between one orderly method of giving information to the House and another. I think that Ministers are aware that there is a widespread appetite for oral statements, and it would be helpful if, to a greater extent in the future than in the past, that appetite could be met.

Jeremy Corbyn (Islington, North) (Lab): On a point of order, Mr. Speaker. The House is well aware of your concern to ensure that parliamentary questions are answered promptly. I am concerned that there seems to be a practice in some Departments of answering on time on the required date by merely saying that they will write to the hon. Member concerned at some point in the indeterminate future. That indeterminate future can often occur during a recess. Is there anything that you can do to require Ministers, when there is sufficient time and a clear possibility, to give a clear written answer within the timetable required by the House?

Mr. Speaker: I am grateful to the hon. Gentleman for that point of order. The answer to his question is that I can certainly reiterate today what I have said on previous occasions and indicated in writing to the Leader of the House, who I know takes ministerial responsibility for these matters extremely seriously—namely, that replies to written questions should be timely, and that they should also be substantive. It would, I think, represent a breach of the spirit of the principle that I have set out, if not of the letter, if Ministers were simply to reply with what I suppose the hon. Gentleman would call a holding response. What is needed is a substantive reply, and it might interest the House to know that I requested of all Ministers a matter of a fortnight or so ago that the backlog of written questions should be cleared, with substantive replies, before the summer recess.

Mr. Peter Bone (Wellingborough) (Con): On a point of order, Mr. Speaker. May I congratulate you, Sir, on the speed of the previous statement? It is much appreciated that all Back Benchers got in. Unfortunately, that was not the case at Prime Minister's questions, during which fewer than half the Back Benchers with questions on the Order Paper were reached. The Prime Minister appeared to me to be very long-winded and even to make a mini-statement. I wonder whether you could help Back Benchers get in at Prime Minister's questions.

Mr. Speaker: I am very sympathetic to getting Back Benchers in—I served as a Back Bencher for rather a long time myself, as the hon. Gentleman knows. I know that he would not for one moment try to draw me beyond what I have already said on the matter. For the avoidance of doubt—it is important to be balanced—I said during Prime Minister's questions that, exceptionally today, in rather exceptional circumstances, questions and answers from the Front Bench were notably longer than usual. I would like some economy in those matters so that more Back-Bench Members get to ask questions of the Prime Minister.

Greg Mulholland (Leeds, North-West) (LD): On a point of order, Mr. Speaker. I seek your guidance about procedure on a pressing matter. Today, I sent an urgent fax to the Secretary of State for Health, which needs a reply and his intervention today, about the shameful behaviour of NHS Leeds towards the family of Dr. John Hubley, who tragically died under its care. NHS Leeds is now trying to overturn the coroner's report, deny its culpability and—outrageously—threaten the family with liability for legal costs. There is no other way of holding it to account, so is there a way, Mr. Speaker, that I can raise the matter, or another way in which I can insist on a response and intervention from the Secretary of State today? Tomorrow will be too late—the deadline is today.

Mr. Speaker: The hon. Gentleman has made his point, which is firmly on the record. Frankly, I am not sure whether what he has just said constitutes a point of order, but to be helpful to him and the House let me say that, if memory serves me correctly, the hon. Gentleman raised the matter at business questions last Thursday, and he was promised a ministerial reply—when the Leader of the House responded to him, that promise was given. Let me gently say to those on the Treasury Bench that if an hon. Member is promised a reply on the Thursday of one week, failure to deliver it by the following Wednesday is below par.

Miss Julie Kirkbride (Bromsgrove) (Con): On a point of order, Mr. Speaker. The House will have heard earlier the disappointing news from Jaguar Land Rover that it is cutting car production along with jobs. Part of Jaguar Land Rover's statement referred to the fact that it is still waiting to secure funding of some hundreds of millions of pounds from the European Investment Bank. That is a matter for negotiation with UK Ministers, and may now put the company in jeopardy. Given the urgency of the situation following Jaguar Land Rover's statement, I wonder whether you have received any indication that Ministers intend to come to the Dispatch Box to tell us about the European Investment Bank loan?

Mr. Speaker: I have to say to the hon. Lady—I know that it will disappoint her—that I have had no indication from any Minister of an intention to come to the House and make a statement on the matter, and I am not in a position to require one. However, she has made her point with her usual force and alacrity.

BILL PRESENTED

PERSONAL RESPONSIBILITY

Presentation and First Reading (Standing Order No. 57)

Norman Baker presented a Bill to place upon the individual a greater responsibility for the consequences for him of his own actions and of any failure on his part to use common sense; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 16 October, and to be printed (Bill 134.)

Protection of Elderly People (Unsolicited Mail)

Motion for leave to introduce a Bill (Standing Order No. 23)

1.33 pm

Mr. Andrew Robathan (Blaby) (Con): I beg to move,

That leave be given to bring in a Bill to prohibit the sending of unsolicited mail to elderly people; and for connected purposes.

By chance, we have a debate later today on care for the elderly, so I am particularly pleased to introduce this ten-minute Bill. A Government Green Paper on paying for care for the elderly was also published yesterday. I want to consider another way in which the House should care for elderly people, however, because I believe that we can judge a society by how it looks after its old people.

I want to consider the all-too-common situation facing some old people. They will probably live alone. Typically, they may be old women, who are possibly widowed. Through their doors, piles of mail pour daily—I have such a pile here—to be read by a person who was raised in a gentler and more honest society than ours. Of course, many old people are busy and active with friends, and understand what to do with junk mail—namely, throw it away. However, others are lonely and perhaps confused and bored. They have time to read the junk mail, and an industry has been created that preys on them.

A constituent first alerted me to the problem. Since then, the personal experience of my 89-year-old mother has revealed the problem in all its detail—and she is registered with the Mailing Preference Service. However, I am not making a personal plea. Only today, I spoke to a journalist who had the exactly the same experience with his old father before he died, and I have also read a three-year-old article from *The Guardian*, which believed in September 2006 that the Office of Fair Trading would introduce a solution.

The problem has two sides. The first is less serious and involves mail from charities, many of which have laudable aims. Mailshots are an accepted and possibly important way in which to raise to money, and many people are employed by charities to do mailshots. I am sure that that raises money for what one hopes are good causes. However, I suggest that all charities examine their consciences and the aims of their work and consider whether they should target old, confused and lonely people, tugging at their heartstrings to get money out of them. Let me give a few examples. I have a pile of letters from animal charities, including Animals in Crisis; the Dogs Trust; Compassion in World Farming; Spana, which is about animals in Spain; World Horse Welfare; Network for Animals; People for the Ethical Treatment of Animals, and the International Fund for Animal Welfare. I also have letters from human charities, including St. Christopher's Fellowship; VSO; St. Mungo's; Feed My People; Medical Mission International; Ethiopia Aid; Christian Blind Mission and—most perversely—Help the Aged. All those begging letters arrived in one month. Indeed, Help the Aged wrote to an 89-year-old woman, pointing out that she had cancelled her direct debit and asking if she would like to reinstate it. Such a charity could have applied a little common sense.

I do not doubt the good intentions of many of those charities, if not all of them, but I question whether they should bombard elderly people in that manner. I suggest, first, that charities should have a box that over-75s might tick to indicate their age, and then a voluntary code, providing that they will not send further begging letters to over-75s. I also suggest that they employ common sense. If an elderly person is subjected to constant direct mail, the charities should be somewhat ashamed of themselves. The worst example is from IFAW. I have several letters that suggest that an elderly person has won £20,000. We all know that that is not true, but IFAW and its chief executive, Mr. Fred O'Regan, send elderly people letters, which say that all they need to do is register to be entered into a fantastic prize draw: "Red Hot Cash Payout—£35,000 of prizes to be won." It states that if people follow the rules, cash prize funds will be paid to winners. IFAW should be ashamed of itself.

However, the second element is much more pernicious, and there is nothing laudable in the motives of those responsible. Direct mail is being sent to elderly people—and, I suspect, others—pretending that the recipient has won money. All the recipient has to do is buy something useless and worthless or send money to receive a huge cash prize. I have here a large pile—too large to hold in one hand—of one month's largely unopened junk mail. Some letters come from something called "Our Life" in Greenford. There is another from the "Department of Information", again in Greenford, which states: "You have won £20,500". A letter from Biotonic, also in Greenford, states exactly the same thing, except that some Biotonic and Star Shopping letters say:

"You have won £15,500—your winning status is certified—congratulations".

Interestingly, all those documents state that people cannot write to Greenford but have to send their money to Anderlecht in Belgium or somewhere else in the European Union. I can see that the post office in Greenford is extremely busy. Spookily, most of the entities have the same postcode.

There is also something called the "Skills Testing Unit", which tells elderly people that they have an official cheque for £34,000 waiting. Better yet is the prize of £9.492 million, which will be paid directly to the person who responds. All people have to do is register for the Australian lottery. I suggest that there is only a small difference in scale between that and the e-mails that we have all received, usually from Africa, telling us that if we help Mr. X get his £20 million out of some dodgy country, he will split it with us 50:50. Riches beyond the dreams of avarice apparently await us: we need only send the details of our bank accounts—many people each year do send them—and we will be set up for life. It sounds too good to be true; and, of course, it is too good to be true—it is fraudulent and criminal.

The question that I would like to ask about the sort of letters to which I have referred is this: why are those people not prosecuted for fraudulently trying to obtain money from vulnerable people? Surely the people who send such letters are behaving in a manner that should require, at the very least, questions to be asked by the Office of Fair Trading, the police, trading standards or others. What loopholes are those people exploiting? Why do the Government or another authority not close those loopholes and pursue such companies?

A ten-minute Bill, as everybody here knows, is just a way of raising an issue. I am not, in fact, proposing new laws or even new regulations. Instead, I am calling on the conscience of charities, and for them to work on a simple code of conduct, so that they do not exploit the elderly to help their causes, which may or may not be deserving. At the same time, the Government, the police and other authorities should give serious attention to preventing fraudsters and near-fraudsters from sending unsolicited mail to elderly people and taking their money on a dishonest premise. Such people are making the elderly, for whom we all share responsibility, the victims of blatant scams.

Question put and agreed to.

Ordered,

That Mr. Andrew Robathan present the Bill.

Mr. Andrew Robathan accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 30 October and to be printed (Bill 135).

Opposition Day

[16TH ALLOTTED DAY]

US-UK Extradition Treaty

Mr. Deputy Speaker (Sir Michael Lord): I must inform the House that Mr. Speaker has selected the amendment in the name of the Prime Minister.

Before calling the hon. Member for Epsom and Ewell (Chris Grayling) to move the motion, I should inform the House that Mr. Speaker has decided to exercise his discretion and waive the House's sub judice rule, to enable passing reference to be made to the case of Mr. Gary McKinnon in relation to the principle of the motion. Members should not, however, discuss the details of the case.

On another matter, the House will be aware that Mr. Speaker is seeking to increase the opportunities for Back Benchers to contribute at Question Time, on statements and in debates. In the Opposition day last week, he was conscious that the Front Benchers absorbed a disproportionate share of the time available for the debate. He hopes that that will not happen again.

1.43 pm

Chris Grayling (Epsom and Ewell) (Con): I beg to move,

That this House expresses its very great concern that the Extradition Act 2003 is being undermined by a series of high profile cases that are jeopardising confidence in the extradition system; and calls on the Government to hold immediately a review of the Act with a view to reforming it at the earliest opportunity to deal with the issues of public concern.

I am grateful to you, Mr. Deputy Speaker, for clarifying Mr. Speaker's judgment in this matter. If it helps, let me give Members a brief background. The Gary McKinnon case has been extensively publicised in recent days, but it cannot currently be the subject of debate in this House, as you rightly say, because of the rules that apply on sub judice. The McKinnon case is currently subject to a further round of legal proceedings in the courts—proceedings that were taking place this morning and, as far as I am aware, are still taking place as we speak this afternoon. The House has strict rules about debating matters where legal proceedings are in train. Under a resolution of this House that was passed on 15 November 2001 on matters that are sub judice, we cannot discuss the case unless and until those proceedings are concluded.

However, the concerns that exist about our current extradition arrangements go much wider than simply the McKinnon case. The matter has been debated and issues have been raised for a number of years. As I think you will agree, Mr. Deputy Speaker, the McKinnon case has brought those issues back to the fore. That is why we have sought to use this time to allow Members in all parts of the House to discuss those concerns and to send a clear message to Ministers that we want the current situation to be reviewed. Such a review is vital to maintain the integrity of the extradition system, to make changes to ensure that it is fair and just, and to ensure that it enjoys public confidence.

There is no doubt that public confidence has been sorely lacking in the past few years. In several cases raised by hon. Members on behalf of constituents there has been a prima facie case for believing that justice was not being done. Current events make the case for a review all the more urgent. The motion that we will vote on at the end of this debate is therefore designed to underline the case for such a review. The motion does not seek to prescribe what changes should take place, even though many right hon. and hon. Members will have strong views about the detail. Neither does it seek to condemn the Government for their handling of our extradition system in recent years. The motion is simply designed to demonstrate that there is a will in Parliament for change. I hope that Members in all parts of the House will join me in the Lobby to send a message to Ministers about the need for change.

Extradition is a pretty trying process for a person to go through and it can take an immense psychological and physical toll. In the United Kingdom alone, the act of extracting someone from their home to stand trial and then serve a prison sentence will change their life for ever. To do that to someone and also send them to a foreign country with a different legal system is something that should be decided only in a process of the utmost rigour and scrutiny. That is why any system that is put in place to manage such a process must be subject to the most serious checks and balances on both sides of the arrangement. It is our fear on the Conservatives Benches—and, I suspect, among Members in all parts of the House—that the arrangements that are currently in place for extradition from the United Kingdom do not meet the criteria that we would expect on reciprocity and fairness.

Keith Vaz (Leicester, East) (Lab): The previous Home Secretary but one is on record as saying that when the agreement was signed, Britain did not get the best possible deal from the United States. The Opposition have put forward a very modest motion—it is a motion not to end extradition, but to review it. Does the hon. Gentleman not agree that that issue should form part of a review, to ensure that we get the possible deal for our citizens, even when we are dealing with allies and friends?

Chris Grayling: I absolutely agree with the right hon. Gentleman. The principle of reciprocity is particularly important, and I will return to it later in my remarks.

Sir Menzies Campbell (North-East Fife) (LD): The hon. Gentleman has now acknowledged that, in considering this matter, we should consider issues of principle. Would not a reasonable principle to take into account—a principle that might have formed part of his motion—be that the constitutional position of British citizens under the extradition treaty should be no less strong than the constitutional position of American citizens?

Chris Grayling: I absolutely agree with the right hon. and learned Gentleman. Indeed, if the Home Secretary will consider opening such a review, as I very much hope he will after today's debate, I believe strongly that the principle that the right hon. and learned Gentleman has just outlined should underpin it.

The right hon. and learned Gentleman referred to the United States. Our arrangements with the United States have most regularly been the subject of question and concern, although the issue also applies to our legal

relationships with other countries. I am not seeking to criticise the conduct of the United States or any other country—they are rightly looking after the interests of their citizens. Rather, it is this Parliament and our Government who make the rules surrounding extradition from the United Kingdom. The Extradition Act 2003 set the framework for those rules, but we are unconvinced that it is working in the way that we should expect.

We on the Conservative Benches have spent many an hour over the past few years pointing out some of the iniquities of the current arrangements, as have many outside this House, as well as Members from other parties here. Once again, the Government have constructed a piece of legislation that, although intended to do something useful and important, has managed to spread into a whole host of other areas. Frankly, we have seen that again and again—indeed, it is a trap that the Government have fallen into on many occasions.

Let us take the example of the Regulation of Investigatory Powers Act 2000. It was designed to address terrorism and serious crime, but it is now used by local councils to do a whole range of things for which it was not intended, such as spying on garden centres to see whether they are selling pot plants without planning permission for a change in use, or monitoring dog walkers with covert CCTV cameras. The law of unintended consequences has been all too present in the legislative processes of the past few years.

Andrew Mackinlay (Thurrock) (Lab): I hope that the shadow Home Secretary will not think that my point is merely one of semantics. We talk about the extradition treaty between the United States and the United Kingdom, but actually there is no such piece of legislation in the United Kingdom. These things are done under the royal prerogative. In contrast, the measures in question were endorsed in legislation in the United States Congress two and a half years after we promulgated our side of the so-called bargain. There has clearly been a disparity from the beginning. For two and a half years, we were implementing our part of the treaty, whereas the United States refused to do so. That is simply unfair. A previous Home Secretary, my right hon. Friend the Member for Sheffield, Brightside (Mr. Blunkett), ignored the fact that this Parliament's Foreign Affairs Select Committee protested time and again about the disparity and the inequality of application of the treaty.

Chris Grayling: The hon. Gentleman's comments speak for themselves, and he is absolutely right. This issue must be addressed.

Kate Hoey (Vauxhall) (Lab): Clearly, the concern that is felt in the House about the high-profile cases is also strongly felt in the country. Does the hon. Gentleman agree that it is the mark of a strong Government, rather than a weak one, to recognise that mistakes have sometimes been made? I hope that many of my colleagues will join others this afternoon in supporting this very sensible move to review an Act that is now falling into disrepute.

Chris Grayling: I agree with the hon. Lady. In this place, it is very easy to believe that Governments either get it all wrong or get it all right. Actually, the truth is somewhere between those two extremes. They get things wrong, and they get things right, and she is absolutely right to say that it is the mark of a strong Government to accept when they have got something wrong and to make changes.

Mr. John Gummer (Suffolk, Coastal) (Con): Given the fact that the motion has been phrased so as not to criticise the Government, did it not surprise my hon. Friend that they did not find it possible simply to accept it? Instead, they have tabled a portentous and pretentious amendment which suggests that the world is a better place because they are always perfect. Why do this Government find it impossible ever to say sorry about anything?

Chris Grayling: My right hon. Friend is absolutely right. The House would be grateful to the Home Secretary if he withdrew his amendment, accepted the principle of the motion and agreed to look again at the arrangements.

There are three big problems with the current arrangements. The first relates to the people who are being extradited. We have long argued that the Extradition Act 2003 has resulted in a situation whereby the people who get caught up in the system and who are being extradited are not those whom the Government said the legislation was designed to target. We were originally told that the legislation represented a move to address the international security situation after the horrendous incidents of 2001. However, the House of Commons Library has assembled an analysis of the people who have been requested for extradition by the United States. They include 20 people requested for drugs offences, 18 for fraud, two for satellite signal theft, three for theft and just one who was involved in a terrorist case.

These issues are not just about our relationship with the United States. The 2003 Act also enacted the arrangements that exist with other countries, particularly the European arrest warrant. It is another example of a measure that was introduced when security was top of the agenda. It was designed to enable the swift transfer between one country and another of terrorist suspects, but it has subsequently developed mission creep, and in so doing, it has undermined civil liberties.

Mr. David Burrowes (Enfield, Southgate) (Con): Is it not also noteworthy that, in the list of offences that my hon. Friend just gave to the House, there was no mention of computer hacking? Other serious computer hacking offences have been dealt with by our own courts, leading in some cases to custodial sentences. Crucially, justice has been seen to be done in this country.

Chris Grayling: My hon. Friend makes an important point, and I will come back to that issue, because another key question is where we should implement justice when a case involves multiple jurisdictions.

British citizens can be extradited to other parts of Europe for a range of extraordinarily ill-defined offences that might not even constitute a crime here or in many other European countries. There have already been examples of the European arrest warrant being used in a way that most of us would feel was inconsistent with the original principles discussed at the time of its introduction. The rapid move to strengthen extradition arrangements in the first part of this decade was clearly designed to combat the terror threat, but those new arrangements should not be allowed to become a quick

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and convenient way of bypassing what would have been the due process for other forms of charge and alleged offence.

The second big problem with the present arrangements involves the way in which we appear to be sub-contracting justice to other countries in cases in which there appears to be a competing jurisdiction. This goes back to the point that my hon. Friend the Member for Enfield, Southgate (Mr. Burrowes) made a moment ago. There is a strong case for arguing that the courts should have a statutory duty to consider issues of what is called forum—in other words, the question of which country has the most appropriate claim to prosecute—and that this country should not sub-contract difficult prosecutions to other countries.

This problem is going to arise again and again in cases involving cybercrime in particular—my hon. Friend has just mentioned computer hacking—not only in the Gary McKinnon case but in a whole variety of others around the world. I remind the House of the recent case of the two Swedish men who were prosecuted in their own country for piracy offences, but whose crimes had clearly crossed jurisdictions around the world. The provisions of the law in this country should be much clearer about when a case should or should not be tried in the United Kingdom. There are clear legal precedents for this: British people charged with crimes that were allegedly committed in the United Kingdom but which electronically targeted organisations in other countries have been brought before the courts in the United Kingdom.

Let us take as an example the case of Aaron Caffrey, a young British man suffering from Asperger's syndrome, who was blamed for causing the biggest systems crash ever to hit the United States. During a two-week trial at Southwark Crown court in 2003, Caffrey was accused of launching an electronic attack in 2001 on America's busiest port at Houston, Texas. The jury cleared him of any wrongdoing after accepting his claim that unknown computer users had hijacked his machine, using it as a Trojan horse to stage the attack. His case was tried in this country, and he was found not guilty. He was not extradited to the United States.

Then there was Richard Pryce, a man said to have been

"doing more harm than the KGB"

and dubbed the

"No. 1 threat to US security".

Pryce, working from his bedroom with two £750 computers to help him with exams, hacked into systems at NASA and at US air bases. From there, he explored systems in south-east Asia, causing chaos when he invaded the computer of a Korean atomic research institute. At the time, the Americans were in the midst of delicate negotiations with the North Koreans, and they were terrified because the break-in appeared to originate from a US air base. In 1997, Bow street magistrates fined the 19-year-old £1,200 after he admitted 12 offences that his lawyer described as a "schoolboy prank".

There was also the case of Andrew Harvey and Jordan Bradley, who were part of an Anglo-American hacking group that set out to cause worldwide chaos by infiltrating home computers. The US security services and the FBI co-ordinated raids on the homes of the group's members, including those of Harvey in County Durham and Bradley in Darlington. At Newcastle Crown court in 2005, Harvey, aged 24, was jailed for two months, and Bradley, aged 22, for three months when they admitted conspiracy to cause unauthorised modification of computers with intent.

In all those instances, the crimes were tried in the United Kingdom and extradition was not required. It is important to state that I am not commenting on the verdicts or on the circumstances of those cases; I am simply underlining that Britain has in the past been willing and able to try people in the United Kingdom when there are issues of conflicting jurisdictions, and I believe that our extradition arrangements should reflect that.

The Police and Justice Act 2006 incorporated provisions to insert an appropriate forum requirement into the Extradition Act 2003. However, the Government have refused to activate it. It provides that if extradition is not in the interests of justice, it can be barred, and that a decision not to prosecute in the UK may be a relevant factor. My hon. Friend the Member for Hornchurch (James Brokenshire) sought to activate this provision while the current Policing and Crime Bill was being considered in this House, but his efforts were talked out.

The late, and sadly lamented, Lord Kingsland and my noble Friend Baroness Hanham tabled an amendment to the Policing and Crime Bill that would affect the Police and Justice Act 2006. The amendment would provide that paragraphs 4 and 5 of schedule 13 should come into force on the day on which the Policing and Crime Act 2009 is passed. In the light of this debate, and of the issues that lie behind it, perhaps Labour Members in another place might wish to consider carefully whether to join us in trying to redress this imbalance.

The third big problem relates to the imbalances that exist—despite what the Government claim in their amendment—in the current extradition arrangements. As hon. Members have pointed out, there is an inherent unfairness relating to the evidence that needs to be presented to begin an extradition. Countries that are classified for the purposes of the 2003 Act as category 2 countries can be given an additional designation, enabling them to dispense with the requirement to provide prima facie evidence with their extradition requests. A territory in the enhanced category 2 status need only provide "information" rather than "evidence" to satisfy tests for the issuing of warrants. Under section 84 of the Act, the United States need only provide

"evidence which would be sufficient to make a case requiring an answer by the person if the proceedings were the summary trial of any information against him".

That is pretty weak anyway, but this provision is not reciprocal; there is an imbalance in the evidential requirements for extradition between the US and the UK.

Even members of the Government accepted that the extradition arrangements were unfair. When these issues were debated in Standing Committee, the right hon. Member for Don Valley (Caroline Flint) gave a candid assessment of arrangements:

"If the second order designating category 2 territories is approved, the United States will no longer be required to supply prima facie evidence to accompany its extradition requests to the United Kingdom...In contrast, when we make extradition requests to the

United States, we will need to submit sufficient evidence to establish 'probable cause'. That is a lower test than prima facie but a higher threshold than we ask of the United States, and I make no secret of that. Under the terms of its constitution the USA cannot set its evidential standard any lower than 'probable cause'...I do not see why we should impose a more stringent test on the USA. Nor do I see why the absence of complete reciprocity affects the issue."—[*Official Report, Third Standing Committee on Delegated Legislation,* 15 December 2003; c. 7.]

Well, I think that the right hon. Lady was wrong then, that the Government have been wrong about this issue, and that it is essential to address it. Her candid observations will provide little comfort to those who will suffer because of the different levels of evidence required. It is this issue that, I suspect more than most, underpins many of the cases that Members of all parties have brought forward when their constituents have found themselves caught up in a system that they rightly think is unfair and risks causing some real injustices.

There have been practical examples, as in the case of Alex Stone, who was extradited to the US because he was accused of injuring the child of a woman whom he had met online. Yet once he had been extradited, the original charges against him were dropped. His lawyer commented at the time:

"No longer do the American authorities have to provide prima facie evidence for extradition, but what is also of concern is what happened to Alex Stone when he was returned to the US".

This in an example in which there was not even sufficient evidence to pursue a case once the extradition had taken place. That surely underlines the concerns that rightly exist about the current system. We think that those imbalances need to be addressed and that there should be reciprocity in our extradition arrangements. We also think that a reasonable burden of proof should apply before someone can be extradited.

Mr. Gummer: Could my hon. Friend venture an explanation of why the Government thought it necessary not to enact the same level of evidential standards as the Americans demanded? What is it that led the Government to make this ludicrous decision that we did not need what the Americans insisted was constitutionally necessary?

Chris Grayling: I would love to be able to give my right hon. Friend an answer to that question, but I do not have a clue—it makes no sense to me, and I simply cannot understand the thought processes. I know that the Home Secretary has inherited from his predecessors a pig in a poke, but I cannot understand why reciprocity was not a basic principle of an extradition treaty. It makes no logical sense, and we can see the consequences in the cases I mentioned. I do not seek to comment on the guilt or otherwise of any of those people, but I believe their cases highlight the ways in which current arrangements are rightly subject to criticism and why there is a real need for reform.

Angela Watkinson (Upminster) (Con): Notwithstanding the comments of my right hon. Friend the Member for Suffolk, Coastal (Mr. Gummer), does my hon. Friend agree that it would be a very simple matter for the Government to support our motion today because it implies no criticism of the Government whatever? They could support it without any loss of face.

Chris Grayling: My hon. Friend is absolutely right. The Home Secretary and I will have days when we spar and days when we do not, and I very much hope that today can be one of constructive discussion leading to a genuine consensus across the House that a review is necessary to deal with a whole range of actual or potential injustices that have taken place in our extradition system in recent years as a result of these agreements.

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): I seem to recall that the original negotiations were done in an unusual manner and were peculiarly related to terrorism, war and defence implications. The heart of the Government's argument at the time was that there was "rough equivalence", but the very use of the word "rough" demonstrated that there was no equivalence. That lies at the heart of our current difficulties. If the new Home Secretary could stand back from all this and see the process leading up to these arrangements, I think he might come around to the view that it is reasonable to establish protection for British citizens that is not rough equivalence, but equivalence.

Chris Grayling: I absolutely agree with my hon. Friend. I am tempted to say "very rough equivalence", because the gap is really quite big, as we have seen in some of the cases. I do not suggest that it was initially the Government's intention that some of these injustices should take place, but none the less they have taken place, and there are real concerns about individual cases. Perhaps more than anything else, those cases underline the need for change. All our debate and discussion of these issues is relevant to the concerns about Gary McKinnon, yet his is but one of many cases brought to our attention by right hon. and hon. Members that amplify the need for change.

Sir Menzies Campbell: I am grateful to the hon. Gentleman for giving way a second time. I have been interested in this matter since 2003. I have sought an explanation, including from the former Prime Minister, of why the UK was willing to enter into a treaty that disadvantaged British citizens to the advantage of American citizens. I have received no such explanation, but may I suggest that it may well be that in the period immediately after the military action against Iraq, the then Government's policy of staying as close as they possible could to the United States was the motive that lay behind the treaty. It is a policy that has been shown, if I may say so, to be rather barren and unhelpful by subsequent events.

Chris Grayling: The right hon. and learned Gentleman may well be right, but sufficient time has now passed, regardless of the original reasons, for it to be both sensible and logical to embark on a review of those arrangements in order to see what can be done to improve them.

Some other countries refuse to extradite their citizens at all. As a nation, we have not chosen that path, but we should exercise maximum caution in circumstances where we allow the extradition of British people. We should seek proper reciprocity in our mutual arrangements with other nations; we should be much more clearly willing to try in this country cases that affect multiple jurisdictions; we should make sure our arrangements do not have mission creep and are used for the purposes they were intended for—not those they were never

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intended for. I believe that the will of this House is for these issues to be looked at again. After six years of the Act's operation, it is time to examine not only where it is working—

The Secretary of State for the Home Department (Alan Johnson): I appreciate the hon. Gentleman giving way. I sense that he is coming to the end of his speech. The motion talks about

"a series of high profile cases".

I have heard about one case, on which Mr. Speaker has ruled, so I wonder whether the hon. Gentleman could set out the other high-profile cases. [HON. MEMBERS: He has.]

Chris Grayling: If the Home Secretary wants me to do so briefly, we could take the case of the former chief executive of Morgan Crucible, for example. We greatly debated the NatWest three at the time, and I suspect that as our debate continues we will hear from a number of hon. Members about cases where similar issues have arisen. I do not know the exact number, but there are many cases—probably a dozen—where these issues are relevant. I found the particular case of the former boss of Morgan Crucible to be one of the most alarming. He was threatened with extradition for committing an offence that did not exist at the time his actions took place. This is a matter of particular concern to my hon. and learned Friend the Member for Beaconsfield (Mr. Grieve), who will undoubtedly say more about it in his winding-up speech.

As I was saying, I think that the will of this House is for these issues to be looked at again. After six years of the Act's operation, it is time to examine where it is working and where it is not. The Home Secretary says he wants lots of cases, but I believe that if there is just one injustice as a result of these arrangements, it is one injustice too many. We are conducting this debate today because we fear that there may well be one injustice too many, and we need the Government to look at what they can do about it. People outside the House will be looking at what we say and do today and hoping against hope that Ministers will go away from this debate with a commitment to look at not only one injustice, but all of them. I hope that Ministers will accept the need for review, and that they will go forth today accepting that the will of the House is for change. I hope that the House will back this motion and that it will lead to a proper review of our extradition system.

2.9 pm

The Secretary of State for the Home Department (Alan Johnson): I beg to move an amendment, to leave out from "House" to the end of the Question and add:

"notes that it is beneficial to the public to be able to extradite people accused of crimes in another country who might otherwise escape justice and that extradition treaties such as the US-UK Extradition Treaty 2003 work to the significant benefit of both countries; notes that the UK must demonstrate 'probable cause' to the US courts while the US must demonstrate 'reasonable suspicion' to the UK courts; notes that these tests are broadly equivalent given the differences between the legal systems in the two jurisdictions; recognises the view that ascertaining whether prosecution ought to take place in the UK should be considered by relevant prosecutors at the beginning of the process and not by judges at extradition hearings, which could result in serious criminals evading justice; and further notes that since 2004, people have been convicted on murder, manslaughter and smuggling charges in the UK following extradition from the US, whilst those charged with murder and terrorism offences have been extradited to the USA.".

I appreciate the tone in which the hon. Member for Epsom and Ewell (Chris Grayling) introduced the debate. The issue is important, and it is important to discuss it. The reason why I shall be urging the House to support the Government amendment is that I do not think that the Opposition have made the case for amending the Extradition Act 2003. The motion refers to

"a series of high profile cases".

Without stretching the definition of the words "high" and "profile", I believe that there are two such cases. I shall deal with those two cases, but I shall also deal with some low-profile cases which, while they may not have made the newspapers, have been handled successfully under the 2003 Act.

Mr. Dominic Grieve (Beaconsfield) (Con): I do not think that we should confine ourselves to an examination of our relations and extradition treaties with the United States, because the issue goes very much further than that. The 2003 Act facilitates extradition under the European arrest warrant in circumstances in which, I suggest to the Home Secretary, it has been called into question, because of anxieties about the systems of justice in some of the states to which people can be extradited, and indeed in other parts of the world. It is not just a question of UK-US relations.

Alan Johnson: I am sorry, but the headings on the Order Paper read as follows: "Main Business", "Opposition Day (16th allotted day)", "US-UK Extradition Treaty". I am well aware of the points that the hon. and learned Gentleman has made, but the point that I am making is that a case has not been made for reviewing the 2003 Act. As for

"a series of high profile cases",

there are two such cases, and I shall say something about them shortly.

First, I want to talk about the 2003 Act. I am pleased that the hon. and learned Member for Beaconsfield (Mr. Grieve) mentioned the European arrest warrant. I have read the report of the Second Reading of the 2003 Act, which took place in December 2002. It was a very interesting debate. The right hon. Member for Witney (Mr. Cameron)—at the time, he was a member of the Home Affairs Committee, which did an awful lot of work on the Bill—said:

"I will vote against the Bill because I disapprove of... specifically the changes to dual criminality."—[*Official Report*, 9 December 2002; Vol. 396, c. 106.]

That issue related specifically to the European arrest warrant. However, I cannot find a single mention of reciprocity in the report of the Second Reading debate. The issue on which the Liberal Democrats, I believe, abstained and the Conservative Opposition walked through the No Lobby was, once again, their absolute fixation with Europe and the European arrest warrant. [HON. MEMBERS: "Rubbish!"] Those who are saying "Rubbish" should read the report of the debate in *Hansard*.

Mr. Gummer: As one who cannot be accused of being in any way antagonistic to the European Union, let me say to the Home Secretary that he is not doing either himself or the Government any good by not facing the real issue. There is profound dissatisfaction and unhappiness not about what happened originally, but about the workings of the 2003 Act. Will the Home Secretary address the question why he will not look at that again?

Alan Johnson: I have been around for long enough to know that when one is advancing an effective argument, there are an awful lot of interventions. The hon. and learned Member for Beaconsfield has said that this is not about UK-US relations, although the heading of the Conservatives' own motion says that it is. Then there is what happened on Second Reading. I am not making this up; it is on the record in *Hansard*. There was no mention of reciprocity or UK-US relations—*[Interruption.]*—apart from by the Liberal Democrats. Her Majesty's official Opposition were concentrating on the European arrest warrant, to which the hon. and learned Member for Beaconsfield referred in his intervention. The debate was totally dominated by that issue.

Mr. Shepherd: Will the Home Secretary give way?

Alan Johnson: I will give way once more, but then I must make some progress.

Mr. Shepherd: I am obliged to the Home Secretary. He has referred to the Second Reading debate, but the fact is that we had a series of debates on the subject, including an important one when the right hon. Member for Airdrie and Shotts (John Reid) was Home Secretary. The arguments about rough equivalence and so forth were examined and fought over. The underlying principle was that when a British citizen was involved, the case should be made in a British court in the ordinary, traditional way. That imperative originated before the European arrest warrant and the war on terrorism. It relates to a meeting in Washington, and we have argued it.

Alan Johnson: I am sure that people have argued it. I am telling the House what happened on Second Reading. Second Reading is important to this debate, because we are talking about reviewing the 2003 Act, and I returned to it to see what was controversial at that time.

The 2003 Act provides the necessary framework to ensure that people who have committed serious crimes cannot evade justice by virtue of their residence in another country. Such arrangements are critical in an age when crime—in particular, serious and organised crime and terrorism—knows no national borders, and bringing perpetrators to justice depends increasingly on effective co-operation between criminal justice systems across the world.

It was wrong to suggest that the 2003 Act was brought before the House as a result of 9/11. In fact, the report on which it was based was published in March 2001, months before 9/11, as a result of a long and studious examination by the Home Affairs Committee and others. The reason a change was needed then—unlike now—is that extradition was then governed by the Extradition Act 1989, whose purpose was to ensure that the UK complied with the European convention on extradition, signed in 1957, which in itself consolidated legislation made as long ago as about 1879. There was a real need to update the system.

My right hon. Friend the Secretary of State for Communities and Local Government, who was then Minister for Policing, Crime Reduction and Community Safety, said:

> "Our extradition arrangements are in urgent need of reform. On average, it takes 18 months to extradite someone from the UK and, in many cases, much longer. The system allows the fugitive to raise the same—arguably, often spurious—points time and again, and to mount numerous legal challenges. Even when—as has happened many times—an individual appeals all the way to the House of Lords following the committal hearing, he

—or she—

> "can, once the Secretary of State has considered the case, appeal all the way again on exactly the same grounds."—*[Official Report,* 9 December 2002; Vol. 396, c. 39.]

This was a system that had been in urgent need of reform for many years. The point that I am making is that before saying that we want to look into and reform a system, we must consider the effects that that would have. We should not be changing the Extradition Act every couple of years. The 2003 Act dealt with some serious anomalies, and it dealt with them successfully.

Kate Hoey: I take the Home Secretary's point that there was a need to examine this whole area, but does he not accept that at a certain stage it became clear that the system was not working in terms of natural justice, in the contexts of both public confidence and individuals? Can he not spend a little time telling us how he feels that it could be changed in order to end ridiculous situations, which the public will not accept, involving individuals such as Gary McKinnon? The present system is simply not acceptable. It is not fair, it is not just, and we should be able to do something about it in this Parliament.

Alan Johnson: I shall come to the specific issues. This is not a speech that will end in a couple of seconds, although I want to make some progress.

I was explaining why we had to change the previous system. The 1989 Act was both unwieldy and cumbersome. Extradition procedures took too long, and we were not able to respond flexibly or quickly to the evolving and increasingly global nature of criminal activity today. The Bill was not produced in a rush after 9/11; it took a long time and much consideration in the House, including consideration by the Select Committee.

Mr. David Heath (Somerton and Frome) (LD): Will the Home Secretary give way?

Alan Johnson: No. I will make some progress before taking any more interventions.

The 2003 Act has simplified extradition procedures, while ensuring that the rights of those wanted in other countries are upheld. The amount of time that it takes to extradite people from other countries in Europe has been reduced from an average of 18 months to 50 days. The 2003 Act has been instrumental in bringing criminals to justice. It has made possible the operation of the European arrest warrant, which I do not believe has failed—for instance, it led to the extradition of Hussain Osman, who was wanted in connection with the failed

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bombing attempts in London on 21 July 2005. The use of the European arrest warrant meant that he was returned to the UK in a matter of weeks as opposed to months or even years, as might have been case under the 1989 Act.

Mr. Simon Burns (West Chelmsford) (Con) *rose—*

Alan Johnson: The hon. Gentleman is clearly bursting to intervene, so I shall allow him to.

Mr. Burns: I am extremely grateful to the Home Secretary. He has explained how the 2003 Act has reduced the amount of time that it takes for someone to be extradited from this country. Given the way in which the American courts can be used to string out decisions for years, has he any figures to indicate whether the 2003 Act has concertinaed the time that it takes for people to be extradited from the United States?

Alan Johnson: I have not got any figures, but I have no reason to think that that has not been a result of this new treaty. *[Interruption.]* I stand to be corrected, but I do not have any information that it has failed in that regard.

Mr. Heath: I understand why the Secretary of State is trying to mix and match the Extradition Act 2003 and the precise terms of the US-UK treaty, but will he confirm that this House first had an opportunity to express opinion on the treaty on 15 December 2003? I was a member of the Committee that considered it, and my hon. Friend the Member for Southport (Dr. Pugh) and I voted against it; I was supported by my right hon. and learned Friend the Member for North-East Fife (Sir Menzies Campbell). We have consistently taken that view. When we brought the treaty back to the House, we opposed it, but unfortunately it was supported by a margin of 243 to 43. We Liberal Democrats have continuously and consistently opposed this treaty. We have done so because we believe that it is one-sided, that it is wrong to have this sort of negotiated treaty with the 51 jurisdictions of the United States, each of whose judicial systems have widely different terms, and that in its effect it is unfair to British citizens. We cannot believe that the British Government adopted a position of such supine acquiescence as not only to agree it in the first place, but then to implement it long before the United States Senate itself had got around to ratifying it.

Alan Johnson: Well, I am allowed to mix and match in that way on a motion that is headed "US-UK extradition treaty", the terms of which talk about looking at the Extradition Act 2003. I accept that the hon. Gentleman has been consistent; he has not been right on these issues, but he has certainly been consistently wrong.

Mr. Grieve: A moment ago, the Secretary of State said that my suggestion that we should widen the examination to the 2003 Act was wrong, but he is now admitting that it is correct. Is not the point that ultimately everything, including the treaty and the European arrest warrant, is governed by the terms of the 2003 Act, and the 2003 Act is deficient? There is no point in blaming the United States, and we certainly do not seek to do so, but the fact is that there are insufficient safeguards, and on top of that the treaty that was negotiated with the United States is more visibly deficient in terms of lack of proper reciprocity than any other agreement that we have entered into. That is why this debate is so relevant.

Alan Johnson: I am sorry, but I did not frame this motion; the Opposition did. I am just pointing out the disparities. Of course I want to talk about the 2003 Act and the UK-US treaty, because they are both important subjects in this debate. The hon. and learned Gentleman intervened on me to say that this is not just all about the US and the UK, but it is also about Europe. That is where this particular discussion comes from.

I disagree profoundly about there being an absence of any safeguards, but I shall come on to that shortly, and I certainly reject the suggestion that the extradition arrangements between the UK and the US, as set out in the 2003 Act and in the treaty, are somehow unbalanced. That argument has traditionally been made on the following basis. First, it is argued that the evidential requirement placed on US authorities seeking to extradite people from the UK is somehow less burdensome than the evidence that the UK is expected to produce to extradite people from the US.

Historically, all requests by countries to extradite people from the UK had to provide prima facie evidence. There are too many right hon. and hon. and learned Members present for me to have to explain this, but I will do so for the record: prima facie evidence is evidence that if taken at face value would be enough to convict someone. This was a much stronger requirement than some other nations demanded for UK extradition requests. The requirement was dropped for all EU member states, signatories to the 1957 European convention on extradition and other trusted international partners with mature judicial systems such as Canada, New Zealand and Australia. UK courts instead asked for "reasonable suspicion"—in other words, the same level of evidence required by the magistrates court to issue an arrest warrant in the UK.

Following the introduction of the 2003 Act, the relaxation of the evidence requirement was extended to cover other trusted extradition partners including, but not limited to, the US. That is hugely significant, because it means that the UK and the US now demand of each other essentially the same level of evidence. The imbalance was prior to the change, not after it.

Mr. Burrowes: Will the Secretary of State give way?

Alan Johnson: No, I will take an intervention later.

The US and the UK have different legal systems. I am sure that there are no hon. Members who think that we could put the two legal systems together and—hey presto!—get similar definitions. However, what we ask for in demonstrating reasonable suspicion is as follows: the

"circumstances of the case being such that [illegible]onable man"—

this language is not gender-friendly—

"acting without passion or prejudice would fairly have suspected the person of having committed the offence".

That is what we in this country apply.

The US asks in its legal terminology for "probable cause"—this dates back to the constitution, so it has

always been the case and was not developed as part of the treaty—which is defined as

"facts and circumstances which are sufficient to warrant a prudent person to believe a suspect has committed, is committing, or is about to commit a crime".

Those two definitions are about as close as they can be in any two different legal systems.

Mr. Burrowes: The Home Secretary has been consistent in seeking to rebut the argument that there is imbalance and that the 2003 Act is lopsided, but does he accept the words of the Attorney-General, Baroness Scotland, during the passage of the 2003 Act? She explicitly said:

"when we make extradition requests to the United States we shall need to submit sufficient evidence to establish 'probable cause'. That is a lower test than prima facie but a higher threshold than we ask of the United States".—[*Official Report, House of Lords,* 16 December 2003; Vol. 655, c. 1063.]

She was clear that it is imbalanced; why is the Home Secretary not?

Alan Johnson: The advice that I am working on comes from the Attorney-General. She was, of course, absolutely right that it is a lower test than prima facie, as there is a lower test now for signatories to the European convention and for Australia, New Zealand and Canada. There is no argument to turn the clock back and to use that as a reason why we should review the 2003 Act.

Sir Menzies Campbell: The Home Secretary has not dealt with the point raised by the hon. Member for Enfield, Southgate (Mr. Burrowes). Does he accept that Baroness Scotland said this in the other place:

"That is a lower test than prima facie but a higher threshold than we ask of the United States, and I make no secret of that."?

That was her opinion then. Does he still understand it to be her opinion now?

Alan Johnson: I have pointed out the definition of these two terms in UK law and US law. I accept that I am not a lawyer or a barrister, but it seems to me that those two definitions are as close as we can get in two different systems.

Kate Hoey: The Home Secretary is a very down-to-earth, reasonable and sensible person with common sense. Does he not accept that, whatever he might want to say and whatever briefings he has been given about how simple this is and how similar these definitions are, the reality is that to the ordinary lay person, including the Attorney-General, they are not the same?

Alan Johnson: Flattery gets my hon. Friend everywhere; I will allow her to intervene at any time. The first point to make is that this is not the issue in one of the high-profile cases, namely that of Gary McKinnon—I shall come on to that. I am dealing with a specific point that was the issue in another high-profile case: that of the NatWest three, which I shall also come on to shortly. As I am not legally trained—I am not a lawyer or a barrister; I am a hack politician—I can only go by the advice that I receive from lawyers in the Attorney-General's Department as to what these two definitions mean. I think that I am digging myself into quite enough trouble with the legal profession.

Chris Huhne (Eastleigh) (LD): Given that the Home Secretary appears to have received different legal advice from that clearly stated in another place by a Government Law Officer, will he now place his new legal advice in the Library, so that we can all look at it?

Alan Johnson: My hon. Friend the Member for Wirral, West (Stephen Hesford) reminds me that this is even worse; Baroness Scotland was not a legal officer when she made that announcement, but a Home Office Minister.

It is assumed that the fact that more people have been extradited to the US from the UK than the other way round somehow indicates an imbalance—the hon. Member for Epsom and Ewell did not use that in his argument, but the most common argument used against the treaty deals first with reciprocity and secondly with that fact, rather than simply telling us that more people flee the US for the UK than the other way round. It is the case that between 2001 and 2008, about 30 people were extradited to the UK, compared with around 60 being extradited to the US. Since 2007, however, we have extradited more people from the US than vice versa, and many of the people extradited since the 2003 Act came into force have committed serious offences—those are the "low-profile cases" that I mentioned earlier.

Members of this House may recall the successful extradition from the US of Mark and Sean Gorman, who were wanted in this country for a savage hammer attack that left a man with permanent brain damage. They were apprehended in New York, subsequently extradited and are now serving seven years and five years respectively for their horrific crime. Another low-profile case was that of Calvin Berry, who was extradited from the US and jailed for 10 years for the manslaughter and robbery of a teenage girl. Hon. Members may also be interested to know that since 2004, 10 people have been extradited from the US on suspicion of murder, manslaughter or attempted murder, six have been extradited for sexual offences, including one case of gross indecency with a child, and two have been extradited for kidnap and child abduction. So there is no question of this being one-way traffic.

Let us move on to the high profile cases that the Opposition say are bringing the 2003 Act into disrepute. The motion, for understandable reasons, does not specifically mention which cases those are, but one of them, as we have discussed, must be that of the so-called NatWest three, whose extradition was vigorously opposed by many Opposition Members. That was despite the fact that there was "reasonable suspicion" of their involvement in a major case of fraud, which, in turn, played a role in the Enron scandal that deprived 21,000 people of their jobs and many more of their pensions and life savings.

I was at the Department of Trade and Industry at the time of the NatWest three marches and protests, so I recall that, as in the other current case to which I assume the motion refers, it was claimed that the NatWest three should be tried on British soil. The High Court was clear on this matter: the case had substantial connections with the United States and could properly be tried there. It was claimed by those campaigning against extradition that the NatWest three would be denied bail and would spend two years in a maximum-security prison—they were, in fact, granted bail and the trial was delayed only at their instigation. When it was

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tried in November 2007, they pleaded guilty to fraud and were each sentenced to 37 months. Following short periods spent in US prisons, they are now serving the remainder of their sentences in the UK. I understand how the public become involved in high-profile cases, but it is difficult to understand how cases are not reported so accurately when they go from being high profile to low profile and how the actual experience of the NatWest three can be left completely out of the argument now raging about Gary McKinnon.

Sir Menzies Campbell: If the Home Secretary is interested in the experience of the NatWest three, who include Mr. Gary Mulgrew, he should consult his fellow Labour party member, Mrs. Trish Godman, who is an MSP and the mother of Mr. Mulgrew. I have kept in touch with her, as I did with Mr. Mulgrew during his imprisonment. She has made it clear, as indeed has he, that such was the nature of the prosecution and the implied threat behind it that he was compelled to accept a plea bargain—that is not unusual in the United States, where prosecutors traditionally load the prosecution in the hope of encouraging accused persons to try to do the best they can by offering a plea to a reduced charge. If the right hon. Gentleman is anxious to deal with that matter, he should be more aware of the circumstances before he seeks to draw inferences from it.

Alan Johnson: I am sorry, but I do not take it from that intervention that Mr. Mulgrew was innocent. I take things from the action of the courts and what has happened through the courts. Of course all kinds of people are involved emotionally in these incidents, but the majesty of the law must come above that. I am pointing out that for all the campaigning and hyperbole about the NatWest three, they were treated fairly in the American courts and were brought back to serve their sentences in the UK, so I can hardly see how the case brought the 2003 Act into disrepute—it might have brought a lot of other things into disrepute, but not the 2003 Act.

Joan Ryan (Enfield, North) (Lab): We rehearsed these debates endlessly at the time of the NatWest three extradition and it is right that the outcome of that case is on the record. What seemed to be missed time and again in those debates is the fact that this extradition treaty is about speedy justice and bringing people to justice. Ordinary lay people, to whom reference has been made, understand that that is the imperative.

Alan Johnson: That was a blast of common sense, which is not unusual from my right hon. Friend.

The second case that the motion no doubt refers to is ongoing and is subject to judicial review—I should say "reviews", because there are two—so I shall not comment on the detail, but I wish to set out clearly for the House and, in particular, for the benefit of my hon. Friend the Member for Vauxhall (Kate Hoey), how the process works. The 2003 Act places the vast majority of matters relating to extradition procedures in the hands of the judiciary and deliberately limits the role or influence that politicians or others could bring to bear on extradition cases. That is important and right, because it removes the possibility that any extradition case could be influenced for political reasons or determined on the basis of prejudicial influences.

Mr. Grieve: Will the Home Secretary give way?

Alan Johnson: I am going to make progress. On the question of prosecution, as I made clear to the House, only the Director of Public Prosecutions can make such a decision, and that includes deciding in which country the prosecution should be brought. In practice, under the 2003 Act, the extradition process works as follows. First, the case for extradition is submitted to the Home Office by prosecutors from another country and is then referred to the magistrates court. The magistrates court must consider whether there are grounds for the issuing of an arrest warrant—and whether there are any "barriers", as they are termed, to it—which means that there must be reasonable suspicion that the subject in question has committed the offence. An arrest warrant is then issued to the police following that procedure, if no barriers were found—no barriers were found in the case of Gary McKinnon. The case is then heard in the magistrates court, and the court must decide whether or not there are any grounds that bar the extradition—for example, whether the individual in question has already been tried and cleared of the offence for which they are to be extradited, which is known as double jeopardy, or whether the extradition would be a breach of that person's human rights under human rights legislation, which Opposition Members seem to find so difficult at times.

Once the court is satisfied that there are no grounds that bar extradition, the case comes to the Home Office and the Home Secretary. The Home Secretary is then legally obliged to order that person's extradition, except in three specific circumstances set out in law: where it is possible that the person who is to be extradited could be sentenced to death if convicted; where there are inadequate arrangements in place in that country to prevent someone's being also charged with an offence that was committed prior to extradition and not included in the request that led to their extradition; and where the person who is to be extradited was previously extradited to the UK from another country and that country has not consented to any further extradition. If none of these circumstances apply, the Home Secretary must order extradition.

Chris Grayling: Will the Home Secretary explain to the House why three years ago, in primary legislation, this Government gave the Home Secretary greater powers to intervene in such matters, but—up to this time—the Government have not implemented the provisions of that legislation?

Alan Johnson: No, I cannot explain that at this point, but I am learning all the time, and I will find out about that bit of the jigsaw puzzle. I am talking about the 2003 Act as it stands and the specific case that has such a high profile at the moment. I am not seeking extra powers, because I think that it is right that people are judged on the facts under the law, not on whether they happen to be popular or a newspaper takes up their campaign. It is important that we ensure that all people are treated fairly before the law.

Mr. Burrowes: The Home Secretary mentioned my constituent, Gary McKinnon. Is it not the case that the public loses confidence when the doors of No. 10 are flung open for petitions to be accepted and tears of

concern to be shed for his plight, but at the same time the Government and the Home Secretary have shut the door on considering his vulnerability—he has Asperger's syndrome—and the widespread concerns about his case? The Home Secretary has himself accepted the need for proper consideration when a significant part of an offence was committed in this country and where the interests of justice may be served best by the case being heard here—

Mr. Deputy Speaker: Order. Before the Home Secretary answers that question, I just say to the House that he has been on his feet for some 32 minutes. That is quite a long time, and he obviously has more to say. It is not his fault that he has been on his feet so long: it is because he has taken so many interventions, which obviously stimulate the debate and need to be made. I just hope that he is conscious of the time, because it is passing quickly and many hon. Members still seek to catch my eye.

Alan Johnson: I understand that the hon. Member for Enfield, Southgate (Mr. Burrowes) is intimately involved in his constituent's case, but I assure him that the safeguards are in the 2003 Act. I have no problem with campaigns, whether by newspapers or others, because that is a healthy part of our democracy, but we have to act in accordance with the law, which provides safeguards in this case. We have gone through the process whereby the magistrates court has decided that there are no reasons and has sent the case to the Home Secretary. I have three specific points to judge such cases on, none of which applied in this case.

The individual can then appeal against the decision of the magistrates court and the Home Secretary in the High Court. If their appeal fails, they can appeal it in the other place. If that fails, there is then a legal duty on the UK Government to extradite the individual within 28 days. But within that time, the person in question can also refer their case to the European Court of Human Rights, which will look at whether the extradition would breach that person's human rights. If the court rules that an extradition would not breach their rights, the UK is legally obliged to continue with the extradition. So there are safeguards at every single stage.

Following these failed appeals, only if powerful and compelling evidence comes to light that demonstrates clearly that the extradition would breach our obli[illegible]s under the European convention on human ri[illegible]s example, a life-threatening illness—can the Home Sec[illegible]y halt the extradition. In doing so, he or she must apply strict legal tests to determine whether the new information about the subject's mental or physical health would mean that their human rights would be breached should the extradition continue. If the case does not meet that test, they cannot halt the extradition, although their decision not to do so can be challenged in the courts.

Before I move to what might laughably be called a peroration, I assume that the hon. Member for Epsom and Ewell was referring to the forum bar to extradition that the Opposition wish to introduce. That is not a power for the Home Secretary to intervene, but for the court to intervene. Even if the case for a forum bar is accepted, there is an existing mechanism by which the Opposition can seek to introduce forum as a bar to extradition without the need for any amendment. During the passage of the Police and Justice Act 2006, the Opposition successfully pressed for the insertion of provisions that would force the Government to commence proceedings on a bar to extradition, if a resolution to that effect had been passed by both Houses of Parliament.

I think that the system is fair. There can be no doubt that the 2003 Act has been beneficial in enabling the UK legal system to bring to account criminals who have either committed grave harm to individuals or threatened the interests of this country. It also enables us to fulfil our international obligations more expediently. In doing so, it provides greater safeguards and greater clarity to those subject to extradition proceedings. I commend the amendment to the House.

2.45 pm

Chris Huhne (Eastleigh) (LD): I welcome the Opposition's motion on the Extradition Act 2003. This is a timely and important debate. Every few months, an extradition case hits the headlines, including most recently the case of Gary McKinnon, which is still sub judice while judicial review proceeds. Before that, as the Home Secretary and my right hon. and learned Friend the Member for North-East Fife (Sir Menzies Campbell) have pointed out, there were the NatWest three. These repeated causes célèbres underline the problems with our extradition arrangements. They underline the injustice of the unequal treaty that we have signed with the United States, and they will go on and on until that treaty is amended to put American and British citizens on an equal footing.

I am astonished by the Home Secretary's new doctrine, which no previous Minister has advanced—perhaps we could call it the Johnson doctrine—that there is an equality of treatment. In the past, Ministers have confessed that there is no equality of treatment, but they have justified that on other grounds. The reality is—this is the key point, which the Home Secretary confirmed—that we have to show fact if we want to extradite from the US, and that is not the case for the other way around. For any Government to agree that our citizens should be treated as second-class citizens is an outrage and demands correction.

That is why the Conservative motion does not go far enough. It calls for a review of the Extradition Act 2003, without signalling the problems and highlighting the unjust arrangements contained in the US-UK extradition treaty. The Extradition Act has good and bad parts. Let me start with the good. We like its enabling of the European arrest warrant, a sensible measure for the easyJet age, that has brought back more than 300 dangerous criminals—including rapists, murderers, paedophiles and drug runners—to face British justice. That, sadly, is what the Conservatives seem to dislike: because the EAW is European, they oppose it even though it tackles crime and locks up dangerous people. Judge parties by what they do, not what they say.

Exactly the same applies to the Conservatives' decision to withdraw from the European People's party. If the Conservatives cared more about gay rights or action against climate change, they would hardly have leapt into bed with parties that oppose those things.

Mr. Grieve: I do not think that that is the high point of the hon. Gentleman's argument. I am on record, as are others in my party, as saying that in many cases the European arrest warrant works much better than our

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extradition agreement with the US. There are, however, some challenging areas in connection with the EAW, because it also applies to countries where the state of the justice system has been criticised by the Council of Europe. We cannot just ignore the fact that the way in which the EAW works can lead, and has led, to anxieties being expressed about whether individuals are being extradited under it for very slight cause, in circumstances that may be unreasonable.

Chris Huhne: I am grateful to the hon. and learned Gentleman for that point. I was hoping that he would make a full tribute at the Dispatch Box to his colleague, Edward McMillan-Scott, for the service that he has performed for the Conservative party over the years. Sadly, the hon. and learned Gentleman did not do so. I regret that. On his substantive point, however, let us be clear that there are within the justice and home affairs chapters of the treaties very substantial ways in which member states can raise their concerns about other member states' justice systems, if that is required.

Let us also remember that every member of the European Union that is subject to the European arrest warrant is also a signatory of the European convention on human rights, and, by the way—I should explain for the benefit of the hon. and learned Gentleman's party—is also prepared to have the European convention applied in their domestic law. His proposals to fail to do that would be an astonishing break with what is happening elsewhere. The points that he is raising are therefore much less significant than the enormous benefits that we have derived from the European arrest warrant.

I have raised issues myself. For example, I did not approve of the German application to extradite Dr. Toben for the crime of holocaust denial, which we do not recognise in British justice. I merely point out to the hon. and learned Member for Beaconsfield (Mr. Grieve) that other member states—such as Belgium—have decided that there is room for interpretation on this. The European arrest warrant is a perfectly workable instrument as it is, and although it should perhaps be improved it has certainly done an enormous amount to help crack down on crime in this country and to help crack down on the old costa del crime. I am astonished that the Conservative party, which was once known as the party of law and order, should have become so obsessed with its Europhobia as to turn its face against this very sensible set of measures—*[Interruption.]* I am glad to see that I have some support from the right hon. Member for Suffolk, Coastal (Mr. Gummer), who, sadly, is on the Back Benches and no longer speaks for his party on these matters.

Mr. Shepherd: I am grateful to the hon. Gentleman for giving way, but I could not let pass that reference to what was a highly contentious piece of legislation because at the heart of it was a mutual recognition of the legal systems of other countries. There were big queries about the role of investigating justices who can hold British citizens in prison for many months in Italy—Greece was another nation suspected of this—without proof or clear evidential reasons for doing so. Mutual recognition of the quality of the legal system was central to the arguments that took place during the debate on this subject.

Chris Huhne: I am grateful to the hon. Gentleman for that point, and I have a certain amount of sympathy with it. I would merely go back to the point that I was making in my exchange with the hon. and learned Member for Beaconsfield, which was that this is a process, not a snapshot. It is a process by which we hope not merely to entrench democratic values and democracies in central and eastern Europe and other member states that have not had the benefit of our traditions for quite as long as we have, but also to entrench their commitment to the rule of law and to fair standards of justice. That process, it seems to me, is one of which we can avail ourselves.

Mr. Shepherd: Within the grand sweep of words that the hon. Gentleman just used lies the poor British citizen who might be stuck in prison for six months while a trumped-up or inadequate case is explored and investigated in another jurisdiction's domain. That was at the heart of it. It is our concern for the British citizen that is central to these arguments.

Chris Huhne: The hon. Gentleman has a point. I said that I was sympathetic on that point, and I certainly think that there are examples—not just of British citizens, as the case of Dr. Toben involved an Australian national who happened to be arrested at a British airport—of cases in which we should stand up against such injustices. We should continue to do so.

The objectionable part of the Extradition Act was the ability to shoehorn through this place a treaty with the United States that was never scrutinised here, never voted on, and would never have received this House's approval if its unequal provisions had been made clear, but was introduced through the royal prerogative. We have therefore tabled an amendment calling for the US-UK extradition treaty to be placed

"on a basis of full reciprocity".

That is in line with our opposition to the initial ratification of the treaty in 2003. The amendment has not been selected, but it is on the Order Paper for everyone to see.

We take particular issue with section 69 of the Extradition Act, because it designates category 2 countries, and the statutory instruments that gave the US-UK treaty effect stem from it. The treaty, as I have already mentioned, was sneaked in by the Government without debate or consultation. Even the text of the treaty was a closely guarded secret, for it was not made public until May 2003—two months after its initial signing, when MPs were leaving for the Whitsun recess. The manner of the treaty's approval and implementation illustrates abundantly the disregard that the Executive has for this legislature. There are few better examples of this place being found on its knees, prostrate before Government power.

Mr. Denis MacShane (Rotherham) (Lab): Can the hon. Gentleman tell us whether the Liberal Democrats have ever used one of their Supply days to debate the treaty in the terms that he has described and call for the changes to it that he wants?

Chris Huhne: I hope that that is an offer from the Labour Benches to increase the number of Liberal Democrat Supply days. I will take the right hon. Gentleman up on that, and I look forward to his joining us on delegations to the Leader of the House to press that

point. We use many ways of making our opposition clear; my right hon. and learned Friend the Member for North-East Fife, in particular, has been extremely active in this regard. Indeed, on one occasion he even appeared before a Committee of which he was not a member in order to make our opposition clear. I do not think that anybody can be in any doubt. At least the right hon. Friend of the right hon. Member for Rotherham (Mr. MacShane), the Home Secretary, has paid tribute to our consistency, although sadly he has not yet been persuaded of the fact that we are right.

Mr. Shepherd: To be traduced in such a way by that former Minister for Europe—the right hon. Member for Rotherham (Mr. MacShane)—is outrageous. Of course we are missing the essential debates on these matters. The hon. Member for Eastleigh (Chris Huhne) is right to have mentioned the treaty provisions in 2003, the discussions on which took place during the passage of the Police and Justice Bill of the 2005-06 Session. That was when that matter was thoroughly thrashed out. That was when the Liberal Democrats led, with Conservatives, in the Lords to bring down that unequal treaty. That is fully on the record. The Home Secretary says that something has been added to the 2003 legislation, and does not acknowledge the fierceness of the debates when rough equivalence, and so on, appeared. He should get his people in the Box to do some work.

Chris Huhne: I am grateful for the hon. Gentleman's support on that point. What is most startling is the fact that the Labour Government signed away one of our basic freedoms—the right to a fair trial—with that unbalanced agreement. The fact that we signed the treaty unilaterally is more evidence of its lopsided nature and the Blair Government's blind faith in, and service to, the United States. Although our Government were eager to shackle themselves to the document, the United States did not even bother to ratify the US-UK extradition treaty until 2006, even though for three years we were applying its provisions.

Sir Menzies Campbell: Is my hon. Friend aware that the reason for that was that the Irish lobby in the United States was able to exercise such pressure over the Senate that it declined to ratify, on the grounds that suspected Irish terrorists might be extradited to the United Kingdom to face prosecution?

Chris Huhne: I am aware of that; I am grateful to my right hon. and learned Friend for making that point.

Mr. Grieve: The point has been made about the nature of reciprocity. The hon. Gentleman might also be aware that under the terms of the US-UK extradition agreement, in the United States the definition of the political offence is left to the Executive branch to determine, whereas in this country it is determined by the judiciary. The hon. Gentleman might think that that raises some continuing concerns about how that might be applied in practice.

Chris Huhne: The hon. and learned Gentleman makes another point about the unbalanced nature of the treaty. I say advisedly that it is an unequal treaty, and I am taking account of the historical context. It is the sort of treaty that one normally sees between an imperial power and a satellite and, frankly, I find it astonishing that any British Government should have agreed to it. I am at a loss to know why David Blunkett, who was then the Home Secretary, bound the UK to an arrangement—

Mr. Deputy Speaker: Order. It is a minor point, but the hon. Gentleman is supposed to refer to Members of this House by their constituencies, not by their names.

Chris Huhne: The then Home Secretary, the right hon. Member for Sheffield, Brightside (Mr. Blunkett), agreed and bound the UK to an arrangement that lacks reciprocity and places higher burdens on UK requests than on those from the US. What was the justification? We have not seen any here. What was the purpose? Perhaps a more fitting question is, "What was the incentive?" There has been no clear answer—except for the rather novel doctrine that denies the existence of any imbalance. I note, however, that in expressing that view, the Home Secretary signally failed to make a commitment to place his legal advice in the Library of the House, although I challenged him to do so.

Let us be clear about what the treaty does. Article 8 removes the requirement for the US to provide prima facie evidence when requesting extradition from the UK, yet article 8, section 3, subsection (c) still requires the UK authorities to provide the US with "a reasonable basis to believe" that the US national whom they are seeking to extradite committed the offence. The key point is precisely the one that the Home Secretary made about facts: it is simply ludicrous that this Government are prepared to afford our American counterparts greater protection than they do our own citizens.

In the past, of course, the Government have said that the Americans have the small matter of their own constitution, which insists on probable cause and constrains what they can do. Quite. The US constitution is one of the finest pieces of liberal drafting in legal history. US citizens have enormous advantages over British citizens in the guarantees of freedoms and the checks and balances on arbitrary state power that the US constitution affords, but that is not an argument for ditching our safeguards, weak and feeble though they are in comparison. It is surely an argument that Ministers should have taken even more care to defend UK citizens' rights, precisely because we do not benefit from a written constitution.

This is a practical and a moral issue. Even when it comes to extradition to a state where the death penalty exists, we did not see fit to impose an absolute refusal on our duty to extradite—even to Texas, where the death penalty is rife, or, in the past, to Illinois, where a retiring governor was so distraught by the evidence that he had sent so many innocent men to execution that he pardoned everyone on death row.

Alan Johnson *rose—*

Chris Huhne: Even faced with those appalling examples of an affront to the settled will of this House that we will not contemplate the death penalty, we still allow extradition to American states that carry out that objectionable practice; the treaty merely says that we "may refuse". I suspect that the Home Secretary wanted to intervene to make that point, so I shall let him go ahead.

Alun Johnson: Extradition is barred if there is a risk that the death penalty may be carried out. That is what the treaty says.

Chris Huhne: My understanding is that the treaty says that we "may" refuse.

Once extradited, British citizens are unlikely to receive bail while they wait for trial because they are seen as a flight risk, which means that they can spend a substantial period pre-trial in prison. I am also informed that many of those extradited will come under extraordinary pressure to plead guilty to minor charges in order to escape a long trial and extended pre-trial detention on major charges. Where is the justice in that? Where are the protections for our citizens? If the Home Secretary regards that practice as fair in a system of justice, why have he and his predecessors refused to introduce it in British justice? It seems to me that he has a real case to answer.

Given all the evidence against the fairness and equality of the treaty and the motion that we are debating here today, it is perhaps surprising that the Conservatives did not oppose the treaty at the time. We did not receive support from the Conservatives when we attempted to secure the withdrawal of the name of the US from the offending statutory instrument in the other place in December 2003. Instead, the Conservatives put their

"trust in the judicial system of our closest ally"—[*Official Report, House of Lords*, 16 December 2003; Vol. 655, c. 1068.],

largely abstaining in the votes both in the other place and in this House, with some honourable exceptions among their Back Benchers. I can only assume that the Conservatives no longer have such trust in our ally, given what they have been saying about certain cases in recent weeks. What we have here smacks just a little of Conservative opportunism. Because the *Daily Mail* has, quite rightly, taken up case of Gary McKinnon—I pay tribute to that newspaper's campaigning zeal—the Conservative Front Benchers have snapped to attention. General Ducre's wish is Lieutenant's Grayling's command.

The Liberal Democrats have consistently opposed the extradition arrangements with America. We spoke and voted against the orders implementing our end of the treaty in December 2003. In 2006 we tabled a Bill to restore the need for prime facie evidence to be provided by US authorities when requesting extradition. More recently, we made a pledge in our freedom Bill to ensure that the treaty is redrafted immediately. We did all that because we believe the Extradition Act 2003 is manifestly unfair to British citizens and those who have been caught up by the treaty, such as Gary McKinnon.

The Government need to renegotiate the treaty immediately and make the extradition test reciprocal. They should also introduce proper parliamentary scrutiny of treaties and amend the royal prerogative so that such an arrangement can no longer be entered into without meaningful reference to Parliament. That is the least they can do. We will back the Conservative motion today, even though we would prefer more detail and more commitment. We welcome damascene conversions to good causes, and we only hope that our new allies in this matter are not fair-weather friends of the freedoms that British citizens should enjoy.

3.5 pm

Mr. David Burrowes (Enfield, Southgate) (Con): I am pleased to follow the hon. Member for Eastleigh (Chris Huhne). I am not a recent convert to the cause of Gary McKinnon: he is my constituent and I have been campaigning for him for three years. I welcome the support for Gary McKinnon from the Liberal Democrats and Members of other parties. Mr. McKinnon's case brings into sharp relief the problems caused by the operation of the Extradition Act 2003 and the treaty.

I shall respect Mr. Speaker's direction and not base my remarks wholly on the case of Gary McKinnon. However, it is important to recognise that Mr. Speaker's direction on sub judice matters relates to the challenge to the DPP's decision not to prosecute, as opposed to the challenge to the decision on whether the Home Secretary should have taken account of Mr. McKinnon's condition of Asperger's syndrome, which on its own the House would have been free to debate fully.

I was worried to hear the Home Secretary trying to pick and mix justifications for the operation of the extradition treaty. We thought that we had moved on from a Home Secretary who trumpets the Government's terrorism-fighting credentials and focuses only on terrorists whom we all want to be prosecuted and extradited. We thought that we had moved on from a Home Secretary who only talks about fighting on behalf of the innocent. What we are all concerned about is justice—justice for the innocent and for the guilty. That is as important for Gary McKinnon, who has not sought to hide his guilt, as for anyone else. We are concerned about proper due process.

One would have thought that the Home Secretary had learned from his predecessors' mistakes. One of them—the right hon. Member for Sheffield, Brightside (Mr. Blunkett)—has come on board and acknowledged the deficiencies of the 2003 Act, of which he was very much an architect, as it affects Gary McKinnon. During the passage of the Bill in 2003, no one in his right mind would have used as the centrepiece of his argument the case of Gary McKinnon—someone who has the severe autistic condition of Asperger's syndrome and is now the subject of this unbalanced process.

I do not propose to go into the details of Gary McKinnon's case today; nor will I attempt to defend his actions—I doubt that any hon. Member would do so. What I want to do is defend Mr. McKinnon's right to justice and that of others who become victims of the 2003 Act and the treaty. The Home Secretary talked about causes célèbres, but Gary McKinnon is the last person whom one would promote as a cause célèbre. He shuns publicity in many ways: his condition makes him introverted and he shies away from communicating. He needs others to speak up on his behalf. I am pleased to do that as his Member of Parliament, and others have also done so. I commend the *Daily Mail* for the momentum it has given to the campaign.

It is important to recognise that this is a matter of justice. I have an interest in having practised as a criminal solicitor for 11 years. I and others who have practised in the justice system recognise that although it is not perfect, it is marked by an historical determination to provide fair trial for defendants. Whatever we think of them as individuals, or whatever the community or any state thinks of them, they all have a right to a fair

trial. Regrettably, those who do not fit in with the system—those who are vulnerable or mentally ill, or who have special needs—often cannot get justice, although they deserve it as much as anyone else.

The Home Secretary talked about safeguards. Those safeguards are plainly not in place. Whether we are dealing with one case or a number of cases, and whether we call them high profile or low profile, there needs to be justice and appropriate safeguards for all. That was not the case for Gary McKinnon, who was diagnosed late with Asperger's syndrome, and it is not the case for anyone else like him who has symptoms of compulsive behaviour, not communicating well, and not seeking to make the case for themselves.

Mr. MacShane: The hon. Gentleman is making a moving plea on his constituent's behalf. He says that his constituent was diagnosed late; when was that diagnosis made?

Mr. Burrowes: It was made in August 2008. Decisions on Gary McKinnon and others in his position are subject to the Secretary of State's discretion and to the European convention on human rights. It is for the Secretary of State to determine whether that discretion should be applied in the case of those with Gary McKinnon's condition. It has been argued that it should be applied in Gary McKinnon's case, as in others, but the Secretary of State has chosen to ignore that. Although there have been concerns expressed by No. 10, it has chosen to ignore Gary McKinnon's particular condition.

The McKinnon case and others show the problems that occur when there is a challenge of the process. Gary McKinnon and others are left to look to the Home Secretary or the Director of Public Prosecutions for relief. The Home Secretary is saying, "I don't have to consider forum, because that is a matter for the Director of Public Prosecutions", and the DPP is saying, "We've decided to cede jurisdiction to the United States." That leaves any appellant, defendant, or whatever one calls them, to challenge via judicial review a DPP decision not to prosecute in this country, and to challenge the Home Secretary's decision, too—that is the case for Gary McKinnon. As should be clear to the Home Secretary, that shows the plain need for forum to be properly determined. It should not be left to applicants to mount a campaign, find legal advice and representation, and go through all the complicated procedures on the judicial review route. It clearly shows the need for proper consideration of forum, and the lack of consideration of forum in the current process.

I pay tribute—as others have done, both previously and today—to the work of the late Lord Kingsland, who will be sadly missed in the other place. Part of his legacy is an amendment that he supported, together with Baroness Hanham, to the Policing and Crime Bill. That amendment would deal with many of our concerns. Paragraphs 4 and 5 of the old schedule 13 to that Bill deal properly with two issues. The first is the issue of evidence and the conditions relating to whether a significant part of the conduct alleged to constitute the extradition offence was conducted in the United Kingdom. The second issue relates to whether an extradition would be barred if, in view of all the circumstances, it would not be in the interests of justice for the person to be tried for the offence in the requesting territory.

On the issue of the interests of justice, such a provision would allow the court properly to consider the applicant before them. In the case of Gary McKinnon or others like him, it could consider the fact that the applicant was severely autistic, and could consider the implications of that, not only for the defendant's understanding of the crime that they are alleged to have committed, but particularly with regard to the impact of the extradition process, the impact of the process taking place in another country such as the United States, and the impact of the sentence. The sentence would have a profound effect on people such as Gary McKinnon, particularly given the length of sentence proposed; it is judged that it could be up to 60 years. The provision would also allow bail to be considered carefully.

The example was given of the NatWest three, but that was an exceptional case, and should not be brought forward as a precedent—certainly not as regards bail—when we are talking about cases such as that of Gary McKinnon, who is penniless. The question of adequate representation would be a key factor in America. Also, the question whether there was confidence that the defendant would get bail, rather than be in custody before trial, perhaps for two years, would be relevant if we considered forum properly in this country.

The same is true of consideration of repatriation after sentence. Again, we heard the example of the NatWest three, in which repatriation took place after conviction. However, in the case of Gary McKinnon, there has been no assurance that that would happen, despite the fact that other countries have agreements with the United States on that subject. The Netherlands and Israel have, on behalf of all their citizens, come to an agreement, whereby their Home Secretaries would give a specific assurance before extradition that, on conviction, the person would be repatriated to serve their sentence in their country. Gary McKinnon does not have the benefit of that assurance, and nor do other citizens of this country, because the Government have not properly negotiated on behalf of their citizens to allow for due process and justice.

Prima facie evidence will not be considered; that point has already been debated today, and on other occasions. The Government ceded the part of the Extradition Act 2003 that has that requirement in it—a requirement to provide sufficient evidence to make a case. That requirement has been a fundamental principle of our criminal justice system, but the Government gave it away; the treaty makes a point of removing that requirement. That has had a crucial effect, but it would in many ways be remedied by the forum position, because consideration of forum would enable consideration of whether the offence or a significant part of the offence had been committed in this country. Currently, in cases such as that of Gary McKinnon, prosecutors do not have the evidence before them to enable them to come to a judgment, because the United States has it for its own purposes. The authorities in this country have only a partial picture on which to make a judgment. If the court had forum provisions, it could give proper consideration to whether a significant part of the offences and the criminality took place in this country, and could then form a judgment.

My hon. Friend the Member for Epsom and Ewell (Chris Grayling) has given clear examples of other cases of cyber-attacks that led to prosecutions in this

[Mr. Burrowes]

country—cases in which the evidence was before this country. There were the cases of Richard Pryce and Mathew Bevan, which came before Bow Street magistrates court. Charges were laid under the Computer Misuse Act 1990, and Pryce was convicted. As we have heard, he received a £1,200 fine. In the case of Bevan, no prosecution was brought forward in the public interest.

It is significant to hear what was said by Bevan:

"I was bullied at school and I found my little community and interaction through my computer...The hackers would all egg each other on. There wasn't anything malicious about it. If there was, I could have downed as many computer systems as I wanted. I was just really looking for anything about UFOs."

That is a similar situation to that of Gary McKinnon. What is different is that Pryce—Bevan was not prosecuted—was prosecuted in this country. That is not the case for Gary McKinnon.

The cases of Andrew Harvey and Jordan Bradley involved the spread of a global worm, which had a significant impact on the United States and Britain. Harvey received a six-month sentence, which was later reduced to two months, and Bradley received a three-month sentence. Significantly, in that case, there were conspirators in the United States. There was a direct connection with those committing offences in the United States, but Harvey and Bradley were dealt with in this country.

Without those reforming provisions, we are left at the behest of America. I do not wish to criticise America; it has managed to negotiate its part of the bargain. The problem is that this country has not done so. We have clearly ceded to America, and the Government need to own up to that. The Government amendment to the motion suggests that the tests that are applied

"are broadly equivalent given the differences between the legal systems in the two jurisdictions".

That is certainly at odds with what the Attorney-General said in debate on the Extradition Bill, as we have heard; I will not repeat her words. There is certainly a difference between the Attorney-General's recognising the imbalance in the extradition procedures and the Government's seeking to spin the line that the tests are broadly equivalent. That must change, in the interests of Gary McKinnon and others, so that there is proper justice.

I believe that in many ways the Home Office has a split personality. A week or so ago, it launched its cyber-strategy because it wanted to recruit computer hackers who could be of use to the Government. Lord West talked about "naughty boys" and, although I am not sure that Gary McKinnon would come under that definition, perhaps the Government should employ him. That would be better than letting him go off to serve a sentence in America, where he says that his prospects of survival are dim.

I want to conclude by saying that I very much stand up for justice for Gary McKinnon, who has become a victim of an unfair treaty. However, it is not just about him: people before him have suffered, and others will in future. The Government must do more than just shed tears when a petition arrives at No. 10. They must act to stop this extradition, and review this unfair Act.

3.20 pm

Mr. John Gummer (Suffolk, Coastal) (Con): I am sorry that he is not here, but I have to say that I was deeply disappointed by the new Home Secretary's performance. I had thought that he was a man whose natural common sense would have led him to come to the House with a recognition of the seriousness of the issue before us. Instead, he flatly refused to accept that the Attorney-General had given advice that was wholly contrary to what he asserted again and again. He prayed in aid the fact that he was not very bright—that, because he is not a lawyer, we ought to take his view of the law rather than that of the Law Officer herself. The Home Secretary went on to say that the Attorney-General was anyway not a Law Officer when she gave the advice, but a Home Office Minister. It is not good enough for him to come to the House and propose to begin his answer to a serious and polite debate in that way.

That is my first concern, but things got worse. Secondly, the Home Secretary went on to admit that he did not have the key figures that he was asked for in connection with the numbers of people extradited from the US to Britain, and the circumstances of each case. He had only the figures that suited his case: he had none of the other figures for which he was asked.

Thirdly, the Liberal Democrat Front-Bench spokesman asked the Home Secretary to put his advice in the Library, and he did not even have the courtesy to reply. The spokesman had to intervene again, yet he still did not get a response. Not only did the Home Secretary come to the debate unprepared; he came believing that hectoring and rudeness were suitable responses to what is a serious issue for many people around the country.

Fourthly, the Home Secretary was asked a direct question about the implications of the extra powers that the Government had assumed, and he did not know the answer. It seems to me that the right hon. Gentleman must be moonlighting, because he did not prepare for a debate in this House about a serious issue that many people have pressed repeatedly.

I know that the Liberal Democrats tend to tease people on matters like this, but they cannot tease me on this one. I have been concerned about it from the beginning, as a result of my experience of the US judicial system. I had a constituent who was an American citizen and who was on death row in Texas for more than 20 years. I went there to plead for his life, and I will repeat what a senior law officer of the state of Texas told me. He said, "Your ex-constituent may be innocent, but he is not a nice man and I don't want him on my streets. That's why he is going to be executed." Those were the words not of some gash prosecution lawyer, but of an official of the Texas court.

Many of us are not happy with how the system works in many American states. Of course it is true that this Government have interpreted the agreement to mean that they will not extradite people who might be subject to the death penalty, but my example illustrates that the American system of justice is not the same as the one in this country—or, dare I say it, in the rest of the EU. We are governed by the European convention on human rights, so it is reasonable to say that people have a right to be concerned when extradition to the US is raised as a possibility.

Mr. Grieve: Does my right hon. Friend agree that a key source of anxiety about the US criminal justice system is that it imposes very substantial penalties on those who are found guilty? To people throughout the European continent, they often appear to be utterly disproportionate to the offence that has been committed.

Mr. Gummer: I agree with my hon. and learned Friend. That is one of the three things that I am concerned about. First, I am concerned about the concept in many parts of the US that the real purpose of the law is to get off the streets people with whom the law does not hold. Secondly, I am concerned that the punishment is therefore very often out of line with anything that we in Europe would think acceptable. My third concern has to do with the concept of plea bargaining. People in Europe think that those who plead guilty are in fact guilty, whereas in many cases they plead guilty merely because the alternative is very much more serious. Such people will have learned from their lawyers that, especially for those who are not American, to stand out is to risk very long prison sentences indeed.

I see complacent smiles on the faces of the Minister for Policing, Crime and Counter-Terrorism and his Parliamentary Private Secretary, but as far as British justice is concerned, it is not good enough for them not to take seriously the fact that we are in this House above all to defend the freedom of the people of Britain. I want to ask the fundamental question: what were the Government doing signing a treaty that was not reciprocated? On what possible basis could they have done so?

I have real worries about the nature of the treaty anyway, but it cannot be fair to sign a treaty when one side has a higher degree of proof requirement than the other. I would rather take the tutored views of the noble Baroness Scotland than the admittedly untutored and—as far as I understand it—largely unprepared views of the Home Secretary. I want also to say a word about the European warrant.

Paul Holmes (Chesterfield) (LD): Before the right hon. Gentleman moves on, will he confirm something that he has just said? When the US was being considered for designation as a category 2 country for the Extradition Act 2003, the Conservative spokesman in the House of Lords said that his party had enough faith in the US judicial system not to be worried about the unfair treatment that British citizens would face. Given what the right hon. Gentleman and the hon. and learned Member for Beaconsfield (Mr. Grieve) have just said, will he confirm that the Conservatives no longer agree with the view expressed in the other place?

Mr. Gummer: One of the joys of being on the Back Benches is that I did not have to agree with that view in the first place. I therefore do not have a problem, although I would not have agreed with that remark even if I had been on the Front Bench. However, there is a thing called learning, and it means that our practical experience of the Extradition Act leads us to say that it needs to be looked at again.

Before I finish, I want to say to my hon. Friend the Member for Aldridge-Brownhills (Mr. Shepherd) that this matter does relate to the European treaty. We belong to a Community—a Union that we support—whose members seek to operate together. In those circumstances, it is not unreasonable to have a mechanism that shortens the period needed for extraditing a person from one member country to another. I have no difficulty in accepting that. I have been through the list and do not see any cases that disturb me, except those where one country's law is wholly different from another's on a particular point. The hon. Member for Eastleigh (Chris Huhne) and others were right to draw attention, for example, to the question of holocaust denial. One can understand precisely why there is a law on it in Germany, but why there might not be somewhere else. That is a perfectly reasonable judgment to make, and we need to have a mechanism to overcome it, but in general there is no problem with the European arrest warrant. That has been proven by the period that has elapsed. What has not been proven is that there is no problem with the British-American agreement, and I wish to end on that. The problem with the agreement is that it leads people in Britain to believe that this country will do anything that the United States asks, without being prepared to stand up for its own people.

Mr. David Winnick (Walsall, North) (Lab): I was at a Home Affairs Committee meeting with my right hon. Friend the Member for Leicester, East (Keith Vaz), which is the reason why I have not been present for the entire debate.

Is there not a danger that the situation creates anti-US feeling—a prejudice? Many people who would not otherwise be, or have no reason to be, prejudiced against the United States will now be rather anti-American for the reasons that we are debating.

Mr. Gummer: The hon. Gentleman has pre-stated what I was going to say. As somebody who is not anti-American but believes strongly in the relationship between Europe and United States, I do not want issues to get in the way which suggest that it is proper to refer to the relationship as "imperial"—something that the hon. Member for Eastleigh, who spoke for the Liberal Democrats, mentioned. We need to make it clear to the United States that we are partners not subjects. There is a constant refrain. We are told, "America cannot do this because of the constitution", but we have to do something. The business about ratification is universal. America still has not ratified the convention on international trade in endangered species, which it has signed. It has not done so because it does not think that partnership requires reciprocity.

I say to the Government that the reason why I feel so passionately about the issue is not just that I want to defend the human rights and freedom of my constituents and of the people of Britain, but that we need to bring it home to our American partners that they must treat the rest of the world as they expect the rest of the world to treat them. Reciprocity is a serious issue, not one that can be covered up by an argument between the Home Secretary and the Attorney-General about the precise details of what the wording under discussion means.

I finish where I began. As the Home Secretary is not present, I hope that the Minister will take this point back to him: the Home Secretary's chatty, jokey little comments at the beginning of the debate demeaned him. He is the Home Secretary of the United Kingdom. He is not here to perform second-rate, school-debating

[Mr. Gummer]

tricks on a serious matter that concerns people's freedoms; he is here to uphold the most ancient rights of a nation of which he is fortunate enough—for what will be a very short time—to be Home Secretary.

3.33 pm

Mr. Denis MacShane (Rotherham) (Lab): It is always a pleasure to follow the right hon. Member for Suffolk, Coastal (Mr. Gummer), this time after his philippic about schoolboy debating techniques. I remember as a student at Oxford university attending perhaps my only Oxford Union debate. The right hon. Gentleman came in to represent the Conservative cause, as a former president of the Cambridge Union, and exactly the same vim, vigour, vivid metaphor and utter wrongheadedness that we sometimes hear today were on display all those years ago.

One paradox of the debate is that many of those who have spoken are convinced pro-Europeans, and part of the debate is about the application of international rule of law. The hon. Member for Enfield, Southgate (Mr. Burrowes) made for his constituent a very moving and compelling plea that does him and the cause honour. The hon. Gentleman said that he spent many years as a solicitor practising in criminal law, and were I ever to find myself in trouble I should be delighted, after that excellent speech, to have him defend me.

However, I was slightly alarmed when I heard that the gentleman—who is not mentioned in the motion but about whom we are talking and the *Daily Mail* is campaigning—was diagnosed with his distressing condition only last year. One gets a slight hint of the famous Ernest Saunders defence: he said that he was suffering from Alzheimer's to get off a criminal prosecution, but the moment that he was out of court, he somehow skipped off and his memory came back with marvellous vigour.

It is quite important that we read into the record article 94 of the treaty, on the death penalty. I was astonished that the hon. Member for Eastleigh (Chris Huhne) had not read the treaty. Article 94 states:

"The Secretary of State must not order a person's extradition...if he could be, will be or has been sentenced to death for the offence concerned".

Mr. Grieve: That is not the treaty, but the Extradition Act 2003. They are two different things.

Mr. MacShane: The hon. and learned Gentleman should understand that treaty is law and law makes treaty. The law of our country, as defined in Parliament, is explicit on the point.

Mr. Grieve *rose—*

Mr. MacShane: We do not have much time. I am concerned that we should not send a signal to all our friends in America that one newspaper and one very hard cause will overturn the need to speed up extraditions between our two countries.

A case comes to mind; it does not concern my constituents, thank goodness, but it is of great concern in Yorkshire. It involves Simon Sheppard and Steve Whittle. I doubt whether Members know those names, because this grave case has been given absolutely no national publicity. Last year, those two gentlemen were convicted at Leeds Crown court of publishing anti-Semitic and racist material on the web, including pictures showing Jews being cruelly disfigured. There were up to 4,000 hits a day. They also published a book called the "Tales of the Holohoax"—we get the sense of what they were trying to argue—and they sent it to synagogues.

The men were arrested, fairly tried and convicted, but they jumped bail and fled to the United States. In Los Angeles, they claimed that they should be allowed to stay in America under the provisions of the first amendment to the US constitution which gives the absolute right to free speech. Had they been Americans and published the material in America, they could not have been prosecuted. One of the big problems for those of us who campaign against anti-Semitism and racism on the net is that the United States cannot take any control of the internet service providers.

I am glad to say that, having examined the case and heard the powerful plea that the men should be allowed to stay in America under the provisions of American law, the courts in Los Angeles said no. They said that the men were British citizens who had committed a crime in Britain and should be sent back. Last Friday, Whittle and Sheppard were sent to jail—for three and four years respectively, I think. That was an important victory in the fight against anti-Semitism, but it could not have been won without the willingness of the Americans to rise above their own constitution and free speech amendment and co-operate with us.

There is the similar case of Mr. Hussain Osman, who was one of the gentlemen involved in the 7/7 outrages. He fled to Italy and asked to be defended from British justice, which he said was unfair. The hon. Member for Eastleigh, who is not in his place, referred to the Council of Europe's observations about the justice systems in other countries. I serve on the Council of Europe and know something about it; its observations on aspects of British justice and police procedures do not always make pretty reading. We should look at motes and beams before becoming contemptuous of the legal, judicial, police and investigating systems in other countries.

I understand that the hon. and learned Member for Beaconsfield (Mr. Grieve) now accepts the European arrest warrant, although with many qualifications. He was not involved in the debates at the time, but when I was Minister for Europe the Conservative party opposed the warrant tooth and nail—so did the *Daily Mail* and *The Daily Telegraph*. If the newspapers opposed to Europe, which are now legitimately campaigning for the constituent of the hon. Member for Enfield, Southgate, and the Conservative party had had their way, there would have been no European arrest warrant and Mr. Osman would still be protected in Rome by civil liberties lawyers.

We claim to be superior in all regards to all other countries, but let us not forget the case of Rachid Ramda. How many Members know who he was? He was an Algerian Islamist living in London who was arrested as a financier of the Paris Metro bombings of 1995, which were a huge shock in France. There was clear evidence linking him to the attacks. For 10 years, he was protected by our judges. The organisation Liberty said, "He can't go back to France. There is no justice there—they'll beat him up and bash him over the head."

The lawyers made a fortune defending him. Whitehall defended him. The Conservative Home Secretary at the time, the right hon. and learned Member for Folkestone and Hythe (Mr. Howard), accepted those arguments—so, I am sad to say, did a Labour Home Secretary, until my right hon. Friend the Member for Norwich, South (Mr. Clarke) became Home Secretary and, in 2005, sent him home. At last, after 10 years of being protected by the British legal system, he had to face his accusers, and the families of the men who died thanks to the money that he was sending over to finance that terrorist plot. He is now serving a life sentence in prison.

We need an internationalisation of the fight against international criminality, whether it is terrorism, paedophilia, race hate or money laundering. I could not believe the arguments we heard earlier—that the men who were responsible for destroying the lives of scores of thousands of Americans in the Enron swindle were just copping a plea, that they had no real involvement and that they just pleaded guilty because it was a way of getting a slightly lower sentence. When are we going to understand that we need international law to deal with the swindlers, fraudsters and banksters who are destroying the lives of ordinary working people in America, in Europe and across the world?

We need, if anything, to extend and increase the idea of international arrest warrants and of rapid extraditions—no, not when the death penalty is at stake; I fully accept and understand that. I would be happy if the United States authorities could give some indication about the case of the constituent of the hon. Member for Enfield, Southgate, given that there is talk of a 60-year sentence. We heard the same with the NatWest three, but in fact it was not that long. If he stays in this country, I will have no problem with that; we have children, and we defend them as best we can.

We must understand that every nation has different rules of law. There are different rules of law, evidence and court procedures in Scotland and in England, but that does not mean that we have to have extradition between our two countries. The House and the nation needs to come to terms with the fact that the rule of law no longer has a national flag stamped all over it.

The message to the people of America is that the House of Commons, and above all the Conservative party, which has moved this motion, have nothing but contempt for American law and the rights of the American people. If the American people feel that a grave crime has allegedly—I stress the word "allegedly"—been committed that threatens their national security, then we here, praying in aid the "civis Britannicus sum" arrogance of Palmerston in the 1860s, can stop justice being done. The Conservatives have been cynical and opportunistic in tabling this motion; the Liberal Democrats, as ever, have been Liberal Democrats.

3.42 pm

Mr. Richard Shepherd (Aldridge-Brownhills) (Con): I had not thought of the right hon. Member for Rotherham (Mr. MacShane) as a Robespierre of liberty, but I would not look to him to protect me in the face of an extradition order in any other country.

It is useful that the Home Secretary has come back at this moment, because this all goes back to something that happened long before his time as Home Secretary. In March 2003, while Parliament was discussing the Extradition Act 2003, the then Home Secretary signed a new extradition treaty between the United Kingdom and the United States. The treaty was subsequently published as a Command Paper in May 2003, after the legislation had been enacted. The most significant difference between the new treaty and its predecessor treaty, which was signed in 1972, lay in article 8 of the new treaty, which set out extradition procedures and required documents. The previous treaty required an extradition request to be accompanied by such evidence as would justify the person's committal for trial according to the law of the state from which extradition was sought, including evidence that the person requested was the person to whom the request warrant referred.

For requests made by the United Kingdom to the United States, the new treaty required such information as would provide a reasonable basis for believing that the person sought committed the offence for which extradition was requested—"probable cause". There is no corresponding requirement for requests made by the United States for extradition from the United Kingdom.

The 2003 treaty between the UK and the US did not remove the need for the US to provide prima facie evidence at extradition hearings in the UK. That was achieved by the designation order made in this House under the 2003 Act on 17 December 2003. Right up until that order was made, designating what are called part 2 countries, there was a need for the US to provide prima facie reasoning before the courts in this country.

When the Extradition Act 2003 (Designation of Part 2 Territories) Order 2003 was debated in the House of Lords on 16 December 2003, the then Home Office Minister, Baroness Scotland of Asthal, referred to the intended effects of the designation orders being made under the 2003 Act:

> "Every country with which we currently have general extradition relations is being redesignated."

She then turned to what she called

> "the thorny issue of the United States",

saying:

> "If this order is approved, the United States will no longer be required to supply prima facie evidence to accompany extradition requests that it makes to the United Kingdom. This is in line with the new bilateral extradition treaty signed by my right honourable friend the Home Secretary earlier this year.
>
> By contrast, when we make extradition requests to the United States we shall need to submit sufficient evidence to establish 'probable cause'. That is a lower test than prima facie but a higher threshold than we ask of the United States, and I make no secret of that. The fact is that under the terms of its constitution the United States of America cannot set its evidential standard any lower than 'probable cause'."

She said of other countries:

> "For all of these countries there is no change to the evidential standard which they will have to meet."—[*Official Report, House of Lords*, 16 December 2003; Vol. 655, c. 1062-1063.]

That is at the heart of what this is all about. There was no requirement to drop the prima facie rule. It was an act of the Home Office—God knows why the Home Secretary was negotiating an extradition treaty when it is normally the function of the Foreign Office, but it was nevertheless done. It was in the designation orders of December 2003 that we changed the whole process, which has given rise to indignation and a sense of injustice.

[Mr. Richard Shepherd]

All those matters were debated on 11 July 2006, when the Government suffered defeats in the House of Lords on the Police and Justice Act 2006. The Conservative peer, the late and much lamented Lord Kingsland, successfully moved amendments that sought to remove the United States from the designation order under the 2003 Act listing of part 2 territories, which are those not required to provide prima facie evidence when seeking a person's extradition from the UK, and to prevent the Home Secretary from designating the US as such a territory until reciprocal arrangements had been made in respect of the information and evidence required to support an extradition request for a person who had not been convicted. The Government lost in the Lords but set that right by a majority in the Commons. That is at the heart of the debate and the justification for it, and I plea with the Home Secretary to review properly the workings of this dire mechanism.

3.48 pm

Keith Vaz (Leicester, East) (Lab): I will be very brief, because I know that time is short. I begin with an apology. The Select Committee on Home Affairs met earlier, and my hon. Friend the Member for Walsall, North (Mr. Winnick) and I were there, so we missed part of the debate.

I have only three quick things to say. On my way to the debate, I bumped into a previous Home Secretary, my right hon. Friend the Member for Sheffield, Brightside (Mr. Blunkett), and asked him whether I could quote what he had said to me about the time when he signed the treaty. He said that I could. He is on record as saying that when the treaty was signed we did not get the best deal, and that frankly the Americans got a better deal than we did. That is why there is a difference between the standard of proof required to get someone over from America and the standard of proof required when the Americans are seeking to get someone from this country.

I pay tribute to the hon. Member for Enfield, Southgate (Mr. Burrowes) for what he has done for his constituent. I appreciate that we are governed by the sub judice rule, though it was waived briefly for the purposes of the debate. I tried earlier to sign the early-day motion that the hon. Gentleman tabled about Mr. McKinnon, but it was withdrawn because it was out of order.

There is a time when the House and, indeed, the public, should be listened to. Of course, some of us went along with the Government on 42 days, even though my hon. Friend the Member for Walsall, North (Mr. Winnick) warned me that the meaning of the slightest word in a Select Committee report could be widened. He was right. In the discussions on the Gurkhas, the Government again lagged behind public opinion and certainly did not take the will of Parliament into account, though as soon as Parliament expressed its view in a vote, they changed their mind.

This is another occasion when the Government should listen, and I am therefore minded to support the motion. It is a modest motion, which calls for a review of the Extradition Act 2003. It is important that we examine it, now that it has existed for five years, measure what it has achieved and ascertain whether we can improve it. The motion is not against Government policy—it would not undermine extradition to a friendly country that is an ally, but it would give us an opportunity to review what has happened, so that cases such as Mr. McKinnon's can be tackled in this country.

I greatly admire the Home Secretary, who appeared before the Select Committee yesterday. When I put it to him that he had the power to intervene and halt Mr. McKinnon's extradition, he said that he had no power to do that. I think that he has that power and that, if he sought a different set of legal advisers, they would tell him that. Surely the Home Secretary can exercise discretion in the public interest. Mr. McKinnon, who has already admitted to committing an offence, should be tried in this country. I urge, even at this late stage, the Home Secretary or the Attorney-General to write to the Director of Public Prosecutions and ask that that happens. That is the sensible, pragmatic way in which to deal with the situation, and I hope that the Government will take that course of action.

3.52 pm

Mr. Dominic Grieve (Beaconsfield) (Con): In the time available, I will try briefly to explain again to the Secretary of State why the motion is sensible. I am grateful to the right hon. Member for Leicester, East (Keith Vaz) for indicating his support for it.

I apologise to my hon. Friends who have made powerful contributions if I do not have time to dwell on each one at length. I am particularly grateful to my hon. Friend the Member for Enfield, Southgate (Mr. Burrowes), who has so eloquently championed Mr. McKinnon's case.

Hon. Members of all parties accept that it is desirable for extradition to take place to maintain international justice. Some countries do not have it—apart from under the European arrest warrant, France will not extradite its own nationals—but we have never adhered to that principle, and we do not seek to advocate it.

In it is inevitable, given that extradition is a human process, that it may contain errors, it is for the Government, in setting out parameters, to try to ensure that those errors are minimised. In adopting the 2003 Act, the Government moved fundamentally away from the previous principle that there would be close scrutiny of each extradition application, from wherever it came. Before that, there was a need to show a prima facie case: the evidence had to be rehearsed in court and the Home Secretary also had administrative powers to prevent miscarriages of justice. I fully accept that, consequently, many extraditions took far too long, and the Home Secretary has my sympathy, because that was an intolerable situation that needed rectifying.

In adopting the 2003 Act, however, we have moved far too far in the opposite direction. We have extradition on reasonable suspicion, which is no more than a statement of fact, on which it is sufficient to ground an offence. That applies whether it is the United States or any other category 1 or 2 countries. In this country, if a reasonable suspicion is found not to exist, there is at least the remedy that the police officer who came upon the unfounded suspicion can be prosecuted for false arrest and malicious prosecution. No such protection exists once a person has been extradited. We effectively have to take it on trust that the reasonable suspicion exists

elsewhere. That is why, to make the precise point, I told the Home Secretary earlier that the problem goes way beyond the United States. In some ways, it is unfair to pillory the United States Government, who have simply taken advantage of the structures that we have put in place. Whether we are talking about that or, desirable as I am sure many of its consequences have been, the European arrest warrant, each has that underlying issue, which merits being revisited.

We then have to turn to the particular problems that appear to exist in our treaty with the United States and in how it is operated. The point has been made quite forcefully that true reciprocity in the US-UK treaty does not exist. In particular, it does not exist because of the differential standards. There may be good reasons why the Government had to go for those differential standards, but they cannot escape the fact that there are safeguards for a United States national being extradited to this country that do not exist in the opposite direction.

Secondly, we cannot escape the unfortunate fact, which has been touched on in these debates, that, although nobody would question its desire for fairness, to ensure that only the guilty are convicted, the United States criminal justice system has some onerous aspects to it. That is particularly true in relation to plea bargaining and the astonishing disparity of sentencing between those who have engaged in plea bargaining and those who have not. That gives rise to genuine fears that justice may not be done, because people may be coerced into pleading guilty because they are so frightened of the consequences on conviction, which, particularly for financial offences, most people on this side of the Atlantic would consider to be dramatically disproportionate to anything that would be inflicted in this country.

To take an example that does not concern extradition, Chantal McCorkle is a lady who received 24 years in prison, which was subsequently reduced to 18, for a fraud on a matter that, if it had come to the courts in this country, would have been unlikely to attract a sentence of more than three or four years in prison. The Government have a particular responsibility in that respect.

Then there is the fact that the United States prosecutors have been remarkably creative in interpreting the new regime that is in place to expand their jurisdiction. We have discussed and debated the issue of forum. That is because the United States prosecutors are now exercising an almost universal jurisdiction, particularly in the case of offences that may concern the internet, where messages frequently go through servers around the world. That enables them to extradite people to the United States for offences that one could argue were far more closely connected with this country, yet where no decision in this country has been made for prosecution or, indeed, where no complaint has even been made.

That must inevitably give rise to disquiet about the fact that under the new system individuals, where the prosecutors have decided in this country that there is no possible reason to proceed—and where, if they did proceed, those individuals would receive a rather light sentence—can be extradited to the United States, where they are likely to receive a sentence that is drastically, and dramatically different from that which they would receive here. The Government cannot escape responsibility on that.

As an example, in the Morgan Crucible case, which involves my constituent Ian Norris, the United States has sought extradition for an offence and failed, because that offence does not constitute dual criminality, because it was not an offence at the time that it allegedly took place. However, the United States is still seeking extradition on the related matter of obstruction of justice, when, as the law currently stands, there appears to be no safeguard to ensure that, if a trial took place and he were convicted of that offence, he would not be sentenced for the original offence.

Mr. Heath: I am most grateful to the hon. and learned Gentleman for giving way, and I will be very brief. Is not another factor that we ought to take into account the fact that it was originally suggested that the current treaty was a response to terrorism cases? The right hon. Member for Rotherham (Mr. MacShane) pretended again that it dealt only with grave cases, but in fact it applies to any case for which the maximum sentence is 12 months' imprisonment. That includes a lot of cases that are not grave cases.

Mr. Grieve: I agree entirely with the hon. Gentleman. However, I rather ignored the remarks that the right hon. Member for Rotherham (Mr. MacShane) made, especially when he resorted to such cheap and revolting statements about autism as to induce in me a revulsion about what he was saying.

I simply say this to the Minister. Anxieties on this subject have been raised repeatedly in this House. That is not some cheap polemic: those of us who are friends of the United States wish to see a system in place that commands widespread acceptance. However, it really is time that the Government listened to the anxieties being expressed, particularly because mechanisms are available to address the problems. An example is a provision introduced in the other place by my noble Friend Lord Kingsland—whose passing is much regretted and lamented—and other noble Lords that would allow forum to be considered. This would provide considerable protection, but the Government have shown no inclination to put the provision on to the statute book, even though the mechanism now exists for that to happen. Furthermore, a review could undoubtedly take place that might not even require the renegotiation of the UK-US treaty, because I believe that our own national safeguards could be introduced without jeopardising it.

Those are the issues that the Minister needs to address, and I have set out the sensible points that a sensible Parliament ought to be debating. Simply coming to the Dispatch Box and having a rant about this being a cheap matter does not help, because the issue is not going to go away. Most people can apply their common sense to matters of criminality. They feel a revulsion against it and a desire that it should be stopped, but they also want to see fairness. I have to say to the Home Secretary that, at the moment, there is a strong perception that we have created a system that might, on occasion, be very unfair. It is our responsibility in this House to try to do something about that. I commend our motion to the House.

4.1 pm

The Minister for Policing, Crime and Counter-Terrorism (Mr. David Hanson): We have had an interesting and full debate this afternoon. It has been characterised by

[Mr. David Hanson]

some strong views being expressed about the position of the Extradition Act 2003 and the position of several individuals under that legislation. We have heard strong speeches from the right hon. Member for Suffolk, Coastal (Mr. Gummer), from the hon. Member for Aldridge-Brownhills (Mr. Shepherd) and, helpfully, from my right hon. Friend the Member for Leicester, East (Keith Vaz), all of whom put forward arguments in support of the motion.

The judgment that my right hon. Friend the Home Secretary and I have had to make is whether we believe that the review of the Act requested in the Opposition motion is justified. The motion states that

"the Extradition Act 2003 is being undermined by a series of high profile cases that are jeopardising confidence in the system".

My right hon. Friend and I have made the judgment that we do not believe that to be the case, and I will try to illustrate our reasons for doing so. To support a review, we would have to say that we believed that public confidence was being jeopardised and that the Act was being undermined. As my right hon. Friend has said, we believe that the Act is operating in a fair and effective way, providing modernisation of the extradition treaty between ourselves and the United States, and undertaking a valuable function for our community.

The treaty came into force, following the Act, on 26 April 2007. It defines clearly the extradition offence by way of a sentence threshold of 12 months in both states, and organises extraditable offences as those that are punishable by a year or more in prison in both states. I say to the hon. Member for Somerton and Frome (Mr. Heath) that these measures were not devised by the Government following the events in New York on 11 September 2001. They were examined prior to those events as part of the modernisation of the treaty. Indeed, the US-UK extradition treaty was signed, subject to ratification, on 31 March. The text of the treaty was published and laid before Parliament under the Ponsonby rule, which allowed for an explanatory memorandum to be produced between 21 May and 30 June. The hon. Member for Eastleigh (Chris Huhne)—who I know cannot be here for the wind-up speeches today—said that we had used the royal prerogative, but he should note that no requests for a debate or for additional time for the Select Committee to consider matters were received at that time. That is why the treaty was ratified at that point.

Keith Vaz: The Home Secretary who signed the treaty at the time—my right hon. Friend the Member for Sheffield, Brightside (Mr. Blunkett)—is on record as saying that we did not get the best deal from the Americans. Surely that must mean that it is time to review the Act.

Mr. Hanson: I have to say that I have not heard my right hon. Friend the Member for Sheffield, Brightside (Mr. Blunkett) say that. I believe that the treaty is an effective modernisation of this aspect of the relationship between the US and the UK.

The reason why we did that is quite simple—and I believe that the hon. and learned Member for Beaconsfield (Mr. Grieve)) agrees that we need effective judicial co-operation between the two countries to fight serious and organised crime, and terrorism. We need a treaty that is fair, balanced and effective, and I believe that we have one.

I do not believe that the suggestions that the treaty is in some way unfair or unbalanced are true. We have looked at the two judicial systems and, as the Home Secretary has said, we have examined the evidence test in both countries and—this relates to the point made by the hon. Member for Aldridge-Brownhills (Mr. Shepherd)—reached the conclusion that we need to look at how judicial systems that are different can be brought together in the best possible way.

Mr. Frank Field (Birkenhead) (Lab): Will my right hon. Friend give way?

Mr. Hanson: With all due respect, my right hon. Friend has not been in his place for the debate, and I have only a short time in which to respond. In the interests of fairness, however, I will give way to him.

Mr. Field: I am grateful. Does the Minister accept that even those who will vote with the Government this evening are disturbed because many of our constituents feel that the relationship between us and the United States in respect of the operation of this treaty is unfair to people in this country?

Mr. Hanson: If my right hon. Friend had attended the debate, he would have heard the Home Secretary say strongly that we believe that we are trying, as far as we can with two different judicial systems, to ensure that we have parity.

UK prosecutors are required to demonstrate "probable cause" in the UK courts. This is a requirement of the US Bill of Rights. In American law, this is described as

"facts and circumstances which are sufficient to warrant a prudent person to believe a suspect has committed, is committing, or is about to commit a crime".

Similarly, US prosecutors are required to demonstrate "reasonable suspicion" in the UK courts. As the Home Secretary said earlier, this has been defined in UK case law in the following terms: that the

"circumstances of the case should be such that a reasonable man acting without passion or prejudice would fairly have suspected the person of having committed the offence".

The similarity is there.

We have a number of key legislative safeguards in place. Identity, for example, is one. Extradition is barred if the judge is not satisfied on the balance of probabilities that the person before him is the person sought. Dual criminality provides another safeguard, as extradition is barred if dual criminality is not established. Evidence must be there, as I have outlined. Double jeopardy is another, as extradition is barred if the person has already been convicted or acquitted elsewhere. Other criteria include injustice due to ill health or passage of time; injustice due to domestic proceedings; specific legislation on the death penalty; and specific legislation on onward extradition from another state to another country. All those are real and proper safeguards.

I accept that the hon. Member for Enfield, Southgate (Mr. Burrowes) made a passionate case on behalf of his constituent, Gary McKinnon. The hon. Gentleman will know that I cannot comment in detail because judicial reviews are before the House, but it is important to put it on the record that so far, the US request has faced a

challenge by magistrates courts, the High Court, the House of Lords, and now the European Court of Human Rights in Strasbourg. Even now there are separate judicial reviews being undertaken. How much more does the process require? There are safeguards in place and opportunities to consider those matters. It is important to stress that the Home Office has not ignored Mr. McKinnon's medical condition. That has been considered in detail today by my noble Friend Lord West, who is dealing with these matters.

Sir Menzies Campbell: How would a proper relationship between the United Kingdom and the United States be prejudiced if both countries had to meet the same standard—probable cause?

Mr. Hanson: The key to our discussion is that we believe that there are two judicial systems that are self-evidently different. Within that, we have tried to marry up together the evidential tests for the US Government and ourselves. As we have made clear, the extradition agreements with the US are, in my view, not only fair and balanced, but also ensure that we do what we are trying to do, which is bring individuals on both sides of the Atlantic to justice, when those matters are required to be examined before the courts.

The suggestion has been made that a number of high-profile extradition cases have been unbalanced and unfair. I cannot accept that. I believe that the evidence on these matters is important. At first glance, the Opposition motion may look relatively attractive and it might be thought that a review could easily be undertaken by my right hon. Friend. The evidence base for that review can be provided so that the hon. Member for Epsom and Ewell can understand it.

The motion refers to "jeopardising confidence", and says that the Extradition Act is "being undermined". Those are not presumptions that I wish to make. The Opposition's views are not shared by my right hon. Friend the Home Secretary and me, and I commend the Government amendment to the House.

Question put (Standing Order No. 31(2)), That the original words stand part of the Question:—

The House divided: Ayes 236, Noes 290.

Division No. 202] **[4.10 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Beith, rh Sir Alan
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Browning, Angela
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, Mr. Gregory
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clarke, rh Mr. Kenneth
Clegg, rh Mr. Nick
Clifton-Brown, Mr. Geoffrey
Conway, Derek
Corbyn, Jeremy
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Davis, rh David
Devine, Mr. Jim
Dorrell, rh Mr. Stephen
Dorries, Nadine
Duddridge, James
Duncan, Alan
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Flynn, Paul
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goldsworthy, Julia
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gove, Michael
Gray, Mr. James
Grayling, Chris
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hoey, Kate
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Hosie, Stewart
Howard, rh Mr. Michael
Howarth, David
Howarth, Mr. Gerald
Howell, John
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jenkin, Mr. Bernard
Jones, Mr. David
Jones, Lynne
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Letwin, rh Mr. Oliver
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Luff, Peter
Mackay, rh Mr. Andrew
Mackinlay, Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mason, John
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McCrea, Dr. William
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, rh Mr. Peter
Rogerson, Dan
Rowen, Paul
Sanders, Mr. Adrian

Sarwar, Mr. Mohammad
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Alan
Simpson, David
Simpson, Mr. Keith
Smith, Sir Robert
Soames, Mr. Nicholas
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Vaz, rh Keith
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Waterson, Mr. Nigel
Watkinson, Angela
Weir, Mr. Mike
Whittingdale, Mr. John
Williams, Hywel
Williams, Mark
Williams, Stephen
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Bill Wiggin and
Mr. Stephen Crabb

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barlow, Ms Celia
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Betts, Mr. Clive
Blackman, Liz
Blears, rh Hazel
Blunkett, rh Mr. David
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, rh Mr. Gordon
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Buck, Ms Karen
Burden, Richard
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Ms Katy
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Elman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, rh John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, rh Mr. Sadiq
Kidney, Mr. David
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mahmood, Mr. Khalid
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Mitchell, Mr. Austin
Moffat, Anne
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mudie, Mr. George
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, rh Mr. Mike
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick

Read, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Todd, Mr. Mark
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Mr. John Heppell and David Wright

Question accordingly negatived.

Question put forthwith (Standing Order No. 31(2)).

That the proposed words be there added.

Question agreed to.

The Deputy Speaker declared the main Question, as amended, to be agreed to (Standing Order No. 31(2)).

Resolved,

That this House notes that it is beneficial to the public to be able to extradite people accused of crimes in another country who might otherwise escape justice and that extradition treaties such as the US-UK Extradition Treaty 2003 work to the significant benefit of both countries; notes that the UK must demonstrate 'probable cause' to the US courts while the US must demonstrate 'reasonable suspicion' to the UK courts; notes that these tests are broadly equivalent given the differences between the legal systems in the two jurisdictions; recognises the view that ascertaining whether prosecution ought to take place in the UK should be considered by relevant prosecutors at the beginning of the process and not by judges at extradition hearings, which could result in serious criminals evading justice; and further notes that since 2004, people have been convicted on murder, manslaughter and smuggling charges in the UK following extradition from the US, whilst those charged with murder and terrorism offences have been extradited to the USA.

Madam Deputy Speaker (Sylvia Heal): I have now to announce the result of the Division deferred from a previous day. On the question relating to the East Midlands Regional Grand Committee, the Ayes were 277 and the Noes were 180, so the Question was agreed to.

[The Division list is published at the end of today's debates.]

Caring for the Elderly

Madam Deputy Speaker (Sylvia Heal): I advise the House that Mr. Speaker has selected the amendment in the name of the Prime Minister.

4.25 pm

Mr. Nigel Waterson (Eastbourne) (Con): I beg to move,

That this House believes all old people should be treated with dignity and respect; regrets that 2.5 million pensioners are living in poverty; notes the Government's failure to state when it intends to restore the link between the uprating of the state pension and the growth in average earnings; regrets the sharp decline of defined benefit schemes during this Government's stewardship; further regrets that the Government failed to adopt proposals for fully-funded measures to help savers in this year's Budget; notes that some 45,000 people are forced to sell their homes each year to pay for long-term care; regrets the lack of costed options and proposals in the Government's Green Paper for the future funding of long-term care; recognises the pressures on the health and social care systems due to demographic factors and the debt crisis; notes that, despite claims to the contrary, no party has plans to cut support for pensioners such as free bus passes, free TV licences for over 75s or winter fuel allowance; supports active and independent ageing; pays tribute to all those with caring responsibilities across the public, third and private sectors, in particular the 6 million voluntary carers in the UK; and calls on the Government to introduce more effective policies to encourage respect for older citizens and to promote security and dignity in old age.

Prior to their election in 1997, the Government made three hugely important promises to our older citizens. First, the current Prime Minister said:

"I want the next Labour government to achieve what in 50 years of the welfare state has never been achieved—the end of the means test for our elderly people."

Labour also promised in its 1997 manifesto that

"all pensioners should share fairly in the increasing prosperity of the nation."

At the 1997 Labour party conference, Tony Blair said:

"I don't want them"—

children—

"brought up in a country where the only way pensioners can get long-term care is by selling their home."

On all those promises, Labour has comprehensively failed to deliver for older people. Means-testing now affects nearly half of all pensioners. Some £5 billion a year in benefits goes unclaimed by pensioners. As for increased prosperity, there are now some 2.5 million pensioners living in poverty. Even before the economic downturn began to bite, research for Age Concern and Help the Aged showed that 60 per cent. of low-income pensioners were struggling to get by and were finding it hard to manage, two thirds were cutting back on gas and electricity, more than half were buying less or poorer quality food, and one in 12 pensioners said that they had built up debt as a result of increases in the cost of living. As for long-term care, some 45,000 people a year are still being forced to sell their homes to pay for care costs. Not much of a record, is it?

What are Ministers doing, as this Government head for the buffers? They publish more discussion documents. In the last few days alone, they have produced two such documents. What do they have in common? Is it the fact that they serve only to underline this Government's record of inaction and failure when it comes to the needs and concerns of older people?

First we had "Building a Society for All Ages". After 12 years, it appears that Ministers have finally woken up to the challenges of an ageing society. Of course, we can agree that increased longevity is phenomenal. If my speech were to last an hour, Madam Deputy Speaker—I promise you that it will not, although it may seem like it—your life expectancy on average would increase by about 12 minutes during that hour. Indeed, in the foreword to that document, the Prime Minister is good enough to refer to my erstwhile constituent Henry Allingham, who at 113 is now the oldest man—but not the oldest person—in the world.

The best Labour can offer us is a "grandparents summit" in the autumn and an earlier review of the default retirement age, plus a ragbag of existing initiatives, empty self-congratulation and some vague aspirations for the future. There are to be refresher courses for older drivers. It is all jam tomorrow while hard-pressed pensioners bear the brunt of the recession.

The document promises to bring forward to next year the review of the default retirement age. It rightly points out that more than 1 million people are already working beyond state pension age—mainly, I suspect, through harsh economic necessity. It sets out the financial and social benefits of working longer, but for many people, continuing to work may be the only way of repairing their finances for retirement. Indeed we have already legislated to raise the state pension age to 68. But the Opposition have been saying for several years that retirement should be less an event and more a process. Flexibility is what older workers need. However, the document is bizarrely free of any opinion from Ministers as to whether they support a default retirement age. This is the very point to be decided by a High Court judge very soon. Perhaps in her response the Minister for Pensions and the Ageing Society could give us some clue about the Government's thinking on the subject, or even just tell us what she thinks. The Government also make much of the Equality Bill as a vehicle to tackle age discrimination, yet although that Bill includes wide powers to bring in exemptions relating to older people, the detail of the exemptions is not yet available.

The document is also guilty of spin when it deals with pensioner poverty. It asserts:

"For the first time pensioners are now less likely than others to be in poverty."

That is also a favourite mantra for Ministers, but it is based on statistics after housing costs. If we take the figures before housing costs, the story is very different.

Mr. John Redwood (Wokingham) (Con): Is my hon. Friend aware that in their latest proposals the Government talk about a £20,000 tax on prudent pensioners—if they still have a pension left. That will be a £10 billion-plus a year tax on the very people who have saved to look after their future. Is that not a disgrace, and does it not sum up the Labour approach to poverty in old age? They want more people to be poor, because they want to tax them more.

Mr. Waterson: I am grateful to my right hon. Friend, who makes a powerful point. The people who should always beware of the Government's Green Papers and White Papers are, of course, those who have taken the precaution of saving for their old age.

I was talking about Government spin on pensioner poverty. The truth is that 2.5 million pensioners are living in official poverty. A recent OECD report put the UK at the bottom—Ministers should listen to this—of a league table of 17 industrialised countries for its state pension provision. Another example of spin is the oft-repeated mantra by Ministers—indeed, it makes another appearance today in the amendment—that they are spending £x billion more than if pre-1997 policies had been maintained. That is, of course, grossly misleading because it assumes that if there had been a Conservative Government in the intervening years not a penny extra would have been spent on our pensioners.

Christopher Fraser (South-West Norfolk) (Con): I am sure that my hon. Friend will appreciate that the desperate plight of the elderly is being raised on the doorsteps in the Norwich, North by-election. People have had enough of the inaction of this Government. Does he agree that that will be shown in the voting pattern at the election next week?

Mr. Waterson: I am grateful to my hon. Friend, who makes an excellent point. As someone who has also encountered older people's tangible anger with this Government on the doorsteps of Norwich, I am sure that his prediction is absolutely right.

David Taylor (North-West Leicestershire) (Lab/Co-op): I am not sure where the hon. Gentleman was in the very early 1980s when, in one of the meanest acts of the Thatcher Government, pensions were detached from average pay in the economy. If he was in this place at that time, did he vote for that? If he was not in this place, did he support it? That was one of the accelerators of pensioner poverty in the 1980s and 1990s.

Mr. Waterson: I am grateful to the hon. Gentleman for his intervention. In fairness, he assiduously attends these debates on pensions issues. I might have a slightly lived-in look, but I certainly was not a Member of this House in the early 1980s. We could go into the prehistory of 1980 and the decision to break the link at that point—again, curiously, as history repeats itself, the then Government had inherited a disastrous financial situation from a previous Labour Government, but we will not go down that route—but this Government have had 12 long years to restore the link and they have done nothing about it.

Perhaps the most unfairly treated of all are those pensioners to whom I referred a moment ago, who did the right thing all their lives. They saved while they were working so that they could supplement their pension when they retired. About three quarters of pensioner households receive income from savings and investment, and in recent times they have seen those savings rendered almost worthless. The interest that they receive, thanks to the economic mess that this Government have caused, is pitiful or even non-existent. To make matters worse, the Treasury assumes that they are getting 10 per cent. on those savings when it comes to calculating entitlement to benefits. Will the Minister now undertake to review the tariff income rule that causes such blatant unfairness?

In this year's Budget, we called on the Government to increase age-related personal allowances for those aged 65 or above by £2,000, which would have benefited them by up to £400 a year. We pressed Ministers to scrap income tax on savings for basic rate taxpayers. Instead, the Government increased taxes on pensions. Ministers have even refused our proposal that the compulsory annuitisation rules be temporarily suspended during the financial turmoil. As a result, many people who prudently saved for their retirement have been forced to fix their income for the rest of their lives at the worst possible moment. We Conservatives believe that Governments should encourage saving, not penalise it. We would introduce measures that would help everyone, but particularly older people, such as the two-year council tax freeze, which is worth more than £200 to the typical family, and energy-efficiency improvements for every household, saving energy and reducing bills.

Dr. Stephen Ladyman (South Thanet) (Lab): The hon. Gentleman proposes fixing council tax for two years, which will result in councils having less money to spend. Does he not appreciate that councils are responsible for the adult social care budget, which is the only part of their budget that is not ring-fenced, and that they will therefore look to that budget for savings?

Mr. Waterson: The hon. Gentleman assumes that all councils will go down the route taken by some Labour and Liberal Democrat councils of cutting front-line services, instead of achieving efficiencies and savings in back-room operations, but I can tell him from my experience not only in my constituency but on the doorsteps in Norwich that the two-year council tax freeze is extremely popular, not least with pensioners, who bear the brunt of council tax rises.

John Mason (Glasgow, East) (SNP): Does the hon. Gentleman agree with me that even better than a council tax freeze would be a local income tax, which would link people's ability to pay with what they actually pay for local services?

Mr. Waterson: I do not agree with the hon. Gentleman. I would be happy to have a completely separate debate on that topic, because when the Liberal Democrats were pushing that policy in my constituency, it turned out that most people would end up paying more.

Mr. Graham Stuart (Beverley and Holderness) (Con): Does my hon. Friend agree with me that now is the perfect time for the Government to do the right thing by the Equitable Life pensioners, who are demanding justice? The parliamentary ombudsman has ruled on their behalf, but the Government have flagrantly ignored that ruling and refused to give justice to so many pensioners.

Mr. Waterson: I can only agree with my hon. Friend. The blatant way in which the Government are attempting to put off the evil day, while more and more Equitable Life victims sadly pass away, is outrageous. There seems to have been a campaign of delay and dithering, as on so many other things.

The Government's record on pensions is no better. A report produced by the Department for Work and Pensions concluded that 51 per cent. of people would not trust the Government to act in their best interests on pensions.

[Mr. Waterson]

Although we passed the necessary legislation some time ago, Ministers will still not say exactly when they will restore the link between the uprating of the state pension and the growth in average earnings. May I please press the Minister on that again today?

The Government have tested to destruction the notion that mass means-testing can deliver help to those most in need. As I said, each year more than £5 billion of benefits goes unclaimed by needy pensioners and some 1.7 million people never claim the pension credit to which they are entitled. Other benefits have even worse take-up, the best example being council tax benefit. Why will Ministers not support the British Legion and Age Concern campaign to change the name of the benefit to council tax rebate, so that people can see that it is theirs as of right?

The Government have also presided over a huge retreat from private and occupational pensions. More than 70,000 occupational schemes have wound up or begun winding up since Labour took office in 1997—no wonder, when one of the Government's first acts was their tax raid on pensions, which is estimated to have cost pension funds up to £150 billion since 1997. They have continued to heap extra costs and red tape on those employers who, for all the right reasons, continue to sponsor defined-benefit schemes for their work force. The latest estimate puts the funding shortfall for UK defined-benefit schemes at more than £200 billion—a staggering 88 per cent. of the country's DB schemes face a shortfall. The pensions regulator has warned of "severe pressures" on employers and pension fund trustees and members, and pensions expert Dr. Ros Altmann has said that we are

"on the way to being a nation of pensioner poverty."

In contrast, we will simplify pensions rules and do everything possible to encourage responsible employers to make generous workplace provision. The new system of personal accounts may auto-enrol many thousands, or even hundreds of thousands, of workers, who may be no better off or even worse off because of the effect of the means-tested benefits system. Even worse, personal accounts could actually hasten the demise of more generous existing schemes—a phenomenon called levelling down.

Yesterday, the long-awaited Green Paper on care and support was published—another one with a chatty foreword by the Prime Minister. He seems to think that we need "a major debate" on the issues. We do not need another debate; we need a decision. Is that really the best that Labour can do after 12 years in government, and 10 years since the Sutherland report—more dithering, more options to debate, and a menu without prices?

Malcolm Wicks (Croydon, North) (Lab): Given that the serious question of how we care for a growing number of frail, elderly people did not suddenly arise in 1997, and given that for 25 years or more, Governments have dodged that serious social question, left over from the Beveridge reforms, will the hon. Gentleman engage, as I think he says he will, in the serious debate on the subject that was kicked off by the Secretary of State? As part of that serious debate, will the hon. Gentleman tell us now what the answer is, according to Conservative Members?

Mr. Waterson: I was happy to give way to a distinguished former Pensions Minister. He is right about the dodging point; I do not know whether he was in the Chamber when I quoted Tony Blair saying that he did not want children brought up in a country where the only way that people could pay for long-term care was by selling their homes. I am sorry, but it was absolutely no good the Secretary of State's saying yesterday that he was kicking off a debate. Where has the right hon. Member for Croydon, North (Malcolm Wicks) been? We have certainly been debating the subject for more than 12 years.

Geraldine Smith (Morecambe and Lunesdale) (Lab): If the hon. Gentleman has been debating the issue, what are his party's proposals? We have not seen them. When will his party tell the British people of its policies, or does it not have any?

Mr. Waterson: I am sorry to disabuse the hon. Lady, but we have to have the small formality of a general election before we can start doing something.

Christopher Fraser: The Secretary of State said yesterday: "it would be wrong to force the pace of that debate."—[*Official Report*, 14 July 2009; Vol. 496, c. 162.]

Does my hon. Friend the Member for Eastbourne (Mr. Waterson) accept that, for people who are dying in poverty because of the inaction of this Government, 12 years is far too long to wait?

Mr. Waterson: Well, 45,000 homes a year for 12 years—hon. Members can do the maths. People have had to sell their main asset, which was built up painfully over a working life, because the Government have dithered and delayed. To go back to the intervention of the hon. Member for Morecambe and Lunesdale (Geraldine Smith), let me point out that of the main parties ours was the only one that had a specific policy on long-term care in their election manifesto. I can assure my hon. Friend the Member for South-West Norfolk (Christopher Fraser) and the hon. Member for Morecambe and Lunesdale that we will have one in our next manifesto.

Greg Mulholland (Leeds, North-West) (LD): That is an extraordinary statement. The hon. Gentleman knows full well that we had a policy on social care at the last election, so will he correct his false statement?

Mr. Waterson: I think that I said "the main parties". I believe that the hon. Member for Romsey (Sandra Gidley) described the policy to which the hon. Member for Leeds, North-West (Greg Mulholland) refers as dishonest in a debate in Westminster Hall, on the record. Perhaps they would like to sort that out between themselves.

Jeremy Wright (Rugby and Kenilworth) (Con) *rose—*

Mr. Waterson: I will take one more intervention, and then I will make a bit of progress.

Jeremy Wright: I am grateful to my hon. Friend for giving way. Does he agree that there may well be some merit in the Government's argument that the subject cannot be rushed? It involves the need for cross-party consensus. However, does he also agree that the real question is what has happened in Government between

the publication of the Wanless review in 2006 and the publication this week of a series of options for further discussion? What have the Government done between those two dates?

Mr. Waterson: My hon. Friend is right; it is a bit of a mystery.

Age Concern and Help the Aged have commented on the Green Paper, saying:

"With time now short the Government must set out a clear timetable to move from debating options to agreeing and implementing specific proposals."

I entirely agree.

I want to raise a specific issue to do with benefits for people with disabilities. The Green Paper makes various suggestions about using non-means-tested disability benefits—such as disability living allowance and attendance allowance—to help fund the means-tested social care system. That would represent a huge shift in the principles that underlie the system of disability benefits, and would be of great concern to many disability organisations and disabled people. If media reports are to be believed, the Secretaries of State for Work and Pensions and for Health were arguing about the point right up to the last moment before the Green Paper was published. It seems that the Secretary of State for Work and Pensions lost that battle in Government, but that will not be good news for disabled people.

The Green Paper could not be clearer: there is no guarantee of extra Government funding to meet the yawning gap in provision. People may well end up being forced into a compulsory insurance scheme and, at the end of it, a nationalised system of care. Yet still the relentless destruction of hard-won family assets goes on, the lottery of care continues, and older people and their families remain fearful about what will happen to them when they are frail and needy. What older people need in these difficult times is more help from the Government, not less. Dot Gibson, the general secretary of the National Pensioners Convention, said:

"The fact that it has taken 12 years for the Government to come up with any proposals—with the prospect of up to another five years before any legislation—is a terrible betrayal of Britain's pensioners and their families."

I shall take this opportunity to explode some of the myths that Labour have been peddling about Conservative policies, especially in connection with the Norwich by-election. Labour is saying that we would cut pension credit, but that is dishonest as we have never said that we would cut either pensions or pension credit. Labour is saying that we would scrap free TV licences, but that is dishonest as we have no plans to do so.

Mr. Stephen O'Brien (Eddisbury) (Con): Another Labour lie.

Mr. Waterson: Labour is also claiming that we would scrap free bus passes for the elderly, but we have no such plans and it is dishonest—

Mr. O'Brien: Another Labour lie.

Madam Deputy Speaker: Order. Comments are being made from a sedentary position. May I remind Members about the conduct of parliamentary debates?

Mr. Waterson: We have no such plans, and it is dishonest to claim otherwise. Labour claims that we would scrap the winter fuel allowance. We have no such plans, and it is dishonest to claim otherwise. I hope that that is clear.

Mr. Graham Stuart: I think that my hon. Friend has just exposed how this dying Government are behaving. They are using elderly people and the services that they rely on as a political football, and they are doing so in a dishonest fashion. *[Interruption.]* Labour Members may laugh, but dishonest and untruthful allegations about another party's policies, when so many people rely on the benefits involved, is absolutely wrong.

Mr. Waterson: I agree. It is beneath contempt to raise fears, especially among the elderly, but that is a sign of the Government's desperation.

Mr. David Winnick (Walsall, North) (Lab): I was in the House when the Conservatives were in government for 18 years. Will the hon. Gentleman bear it in mind that his party strenuously opposed the winter fuel allowance and the free TV licence at every stage? They also opposed my private Member's Bill, and they said no whenever we said that the elderly should be helped with heating.

Mr. Waterson: Unlike the hon. Gentleman, I am talking about the here and now—the pensioners who are suffering and being told blatant untruths, here and now.

I shall draw my remarks to a conclusion. Thanks to huge advances in health care, nutrition and living conditions, old age need no longer be a time of anxiety and frailty. Most of us are living longer and healthier lives. As someone said recently, 70 is the new 50 and 50 is the new 30 but, thanks to this Government, many older people have little to celebrate.

Our older citizens are the innocent victims of this recession made in Downing Street. They deserve help in these difficult times. They need a Government who are on their side, not a Government who have destroyed the value of their savings, laid waste their pensions and failed to provide a proper safety net for when they can no longer cope. They need a new Government who are prepared to tackle those issues with fresh energy and fresh ideas. They need change. I commend the motion to the House. *[Interruption.]*

Madam Deputy Speaker: Order. The Question is as on the Order Paper—*[Interruption.]* Order. Can those on both Front Benches come to order? Can we please have this debate conducted in the proper manner?

I call the Minister to move the amendment in the name of the Government.

4.49 pm

The Minister for Pensions and the Ageing Society (Angela Eagle): I beg to move an amendment, to leave out from "House" to the end of the Question and add:

"welcomes the steps taken since 1997 to tackle increasing pensioner poverty; notes that policies delivering real help to pensioners include free bus passes, free TV licences, winter fuel payments and Pension Credit which ensures no pensioner lives on less than £130 a week; notes that the Government is targeting around

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£100 billion more on pensioners than if pre-1997 policies had been maintained; further notes the Government's commitment to reversing the policy of separating uprating of the state pension and growth in average earnings; notes the introduction of the Financial Assistance Scheme, the Pension Protection Fund and the Turner consensus as building a sustainable pensions system going forward; welcomes raising of Individual Savings Accounts limits at Budget 2009; warmly welcomes the Government's Ageing Strategy; further welcomes the publication of the Green Paper, Shaping the future of care together, which proposes a National Care Service to create the first national, universal, entitlement-based system for care and support ever in England; notes that the Government's proposals will shape a new care and support system fit for the 21st century that will be fairer, simpler and more affordable for everyone; further notes the published indicative costs an individual may face during their lifetime and the comprehensive impact assessment for the Green Paper; recognises that carers make a huge contribution to society; and acknowledges that the new Care Quality Commission has made dignity and respect one of its six key areas of inspection."

We have heard quite a peroration today, but to say that it was policy-light would be the understatement of what is admittedly a young century. There was quite an extraordinary lack of content: a lot of bluster and noise, but absolutely no clue to, or content on, the Opposition's approach to these difficult and complex issues.

The Prime Minister laid out the Government's agenda for the future in "Building Britain's Future", and on Monday we published our strategy, "Building a Society for All Ages", which explained how the Government will provide flexible retirement opportunities for older people and enable those who wish to remain in work to do so. We will ban unjustifiable age discrimination as part of the Equality Bill, and on that point I might ask Opposition Front Benchers why they voted against the Bill's Second Reading.

We also announced that we are bringing forward the review of the default retirement age, and if the review shows that the policy is no longer justified we will take steps to remove it. We have laid the foundations for a better future for older people, focusing on planning and saving for later life, and we are committed to doing more.

Malcolm Wicks: On the default retirement age, does the Minister agree that, in the coming years, with longer life expectancy, the idea that one retirement age should apply to all is bound to be thrown into the dustbin of British social history? Would it not be sensible if the Government came forward now and said that that was their position? It is a sensible position, and it will soon happen.

Angela Eagle: It is quite clear that the approaches to social policy that Beveridge developed, essentially, when our life expectancy was much shorter and a man could look forward to barely one year of life in retirement, involved a different society from the one in which we will routinely enjoy 20 to 25 years of retirement. It is quite clear also that we have to evolve our structures, our system and the meaning of retirement, so that there is a flexible approach, rather than a cliff edge off which one falls. That is the clear way forward, but we are committed to looking at the review and the evidence. It is important that we take evidence from employers who are worried about the situation, and those who do not wish to see their chances of employment disappear the day after their 65th birthday.

Jeremy Wright: As part of the review, could we reflect what is one of my frustrations and, perhaps, one of the Minister's? In such debates, we always refer to older people as a drain on the nation's resources, not as contributors to them. May we please reflect the fact that older people make a huge contribution to the child care needs of a variety of families and to the charitable sector, and recognise at all times that they are net contributors as well as drawers on the nation's resources?

Angela Eagle: I am more than happy to agree wholeheartedly with the hon. Gentleman. I do not think that we, certainly on the Government Benches, refer to older people as a burden. It is quite clear that they offer a great opportunity for economic development and for handing on many of their life experiences to the younger generation, and that there is a great deal of opportunity in developing older businesses. Opposition Front Benchers rather sneered at the idea that grandparents fit in as a sandwich generation, often caring for younger people as well as for older relatives, but it is a key social policy issue that needs to be developed, not sneered at.

I was disappointed with the sneering approach of the hon. Member for Eastbourne (Mr. Waterson) to that issue. The Budget announcement about crediting in national insurance contributions for grandparents with caring responsibilities is a breakthrough policy. I expect that we will see more such measures, so that we can establish that grandparents have an important and central role in our social policy.

Christopher Fraser: Does the hon. Lady accept that, as I mentioned earlier, there is cynicism among elderly people on the doorsteps of Norwich, North? They are saying on a daily basis that there is too little, too late; the Government have ignored them for too long, and there is suddenly a bit of action when a by-election comes up. Does she accept that they have had enough and that that will be reflected in next week's result?

Angela Eagle: My experience of meeting older people in many areas around the country is not that they reflect the approach that the hon. Gentleman wishes for in respect of next week's by-election. Time will tell.

Mr. Graham Stuart: Can the Minister tell us whether the Prime Minister plans to visit Norwich, just as he did Glenrothes? Perhaps he will explain the Government's policies to older people there.

Angela Eagle: When Conservative Members see a woman, they often think that she is a secretary. I have to tell the House that I am not the Prime Minister's secretary, so I do not know about his intentions in respect of visiting the constituency.

We have laid the foundations for a better future for older people, focusing on planning and saving for later life. We are committed to doing more. We are not just taking action to deliver help now for Britain's pensioners, but planning for generations to come and encouraging others to do the same.

Yesterday, we published "Shaping the future of care together", a Green Paper that considers how care and support services can be personalised, placing choice and control at the heart of the system. Under a new national care system, everybody with a care need will have at least some of their care costs paid for by the state. There will be a national entitlement and an end to the postcode lottery.

Angela Browning (Tiverton and Honiton) (Con): The hon. Lady mentioned personalising care. A problem that has been around for a long time—and one, I have to say, that I picked up on while on the streets of Norwich, North only this week—relates to when people have a package of care. Elderly people do not want to find that they have to be put to bed at half-past 6 or 7 o'clock. Their care is not personalised; they are often in the hands of agencies, funded through social services, that do not personalise care packages, but treat elderly people as numbers.

Angela Eagle: That is why we are working with the process set out in our document "Putting people first", which is about personalising care. It is absolutely clear that we should be transforming services for older people by having them at the centre, making choices about how their care is delivered, rather than having one-size-fits-all care policies under which there is a compulsory bed time in a person's own home according to what suits whoever comes to give the care. That is why yesterday's Green Paper put such choice and personalisation right at the centre of the transformation that we want to see. We have already spent £500 million on developing the first examples of that kind of personalisation. That approach is transforming how local authorities are planning to deliver their care packages to their clients in future.

Dr. Ladyman: I am sure that my hon. Friend has not forgotten—perhaps the hon. Member for Tiverton and Honiton (Angela Browning) has—that this Government made it compulsory for councils to offer a direct payment instead of providing care directly; every one of those people in Norwich could ask for the cash instead of the care service, and organise their care themselves. Equally, the Government gave councils the money to put a charge on people's homes so that they did not have to sell their homes during their lifetimes, and their care could be paid for after their deaths.

Angela Eagle: It is important that the approaches that are being developed now become the norm in time. We are in the middle of an approach that moves away from the old mass care packages that are delivered for the convenience of the organisation that is delivering them rather than for the convenience and comfort of the people receiving them. That is a major theme that this Government have begun to develop and to fund.

Mr. Stephen Dorrell (Charnwood) (Con): I would be grateful if the hon. Lady corrected the hon. Member for South Thanet (Dr. Ladyman) on the timing of the introduction of direct payments. I refer her to page 33 of the document that she published yesterday, which features an entirely accurate time line saying:

"Direct payments introduced offering disabled people more control to buy directly the services they want",

with an arrow pointing at the year 1996. I invite her to remember who were the Government at that time.

Angela Eagle: I think there might be some sort of approach on which we can agree in terms of philosophical change in this regard. What I am trying to do instead of having this rather juvenile exchange—*[Interruption.]* Well, there is a lot of consensus in pensions policy. Conservative Front Benchers seem to think that "consensus" is a dirty word. That is interesting, and I will bear it mind when I hear them talk about it in future.

Dr. William McCrea (South Antrim) (DUP): Can the Minister assure the House that elderly people who are making a very valued contribution to care in their families will be rewarded instead of taken for granted?

Angela Eagle: A carers strategy is being developed. It is important that we begin to move further along the road of valuing and rewarding the work that millions of carers do, which keeps our society going but is often unrewarded. The changes that we are making to crediting into the basic state pension in 2010 are a reward for that, as are the changes announced in the Budget about crediting grandparenting. There is much more for us to do, but I am happy to agree with the sentiments that the hon. Gentleman expressed.

Mr. Graham Stuart *rose—*

Angela Eagle: I have given way to the hon. Gentleman, and I want to get on with my speech as this is a short debate.

I want to compare Labour's record with that of the Conservatives. The hon. Member for Eastbourne talked about pensioner poverty, but after 18 years of the previous Tory Government, pensioners in Norwich and elsewhere had got poorer. The poorest had to survive on a basic state pension of just £69 a week.

Kelvin Hopkins (Luton, North) (Lab): The major factor in that was the breaking of the link with earnings made almost as soon as Mrs. Thatcher came into power.

Angela Eagle: It was certainly one of the many factors.

Twelve years of a Labour Government committed to helping the poorest and most vulnerable has seen 900,000 older people lifted out of relative poverty, each one with enhanced life chances that should be celebrated rather than dismissed by the Conservatives. Thanks to increases in the basic pension and pension credit this year, no pensioner need live on less than £130 a week. Since 1997, this Government have spent about £100 billion more than if we had maintained the policies that we inherited from the Conservatives, and £13 billion of that extra spending is happening in this financial year, despite the economic challenges that we face. As a recent European Union report underlines, there has been a significant change in the income of the over-65s in the UK. In 1997, it was 15 per cent. below the EU average: that is the Conservative record. After 12 years of Labour government, it has risen to 9 per cent. above the average.

We continue our efforts to increase the take-up of pension credit, a benefit that did not even exist when the Conservative party was last in power. Since October 2008, it has been easier to claim, with claims for housing benefit and council tax benefit being made over the phone and pension credit being directly forwarded to

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the local authority without the need for a signed claim form. We continue to press ahead with targeted take-up campaigns, working with groups such as the Royal British Legion and the Market Traders Association to drive up pensioner claiming.

John Mason: On that point, does the Minister accept that although there may have been an improvement in the number of claims, there is still a bit of a gap?

Angela Eagle: Of course, and we continue to try to drive up the percentage of people claiming. In the Welfare Reform Bill, we are taking powers to share information, so that we can try to make claims more automatic, and we now have a partnership agreement with all 209 primary local authorities to share housing and council tax benefit claims as well as pension credit claims. I am optimistic that we can continue to make good progress, but I am not going to say that I am completely satisfied with take-up. We still have to do more, and we are.

Pension credit can open the door to many other benefits, such as housing and council tax benefits. Jointly, they can lead to an equivalent income of about £200 a week, which is why we recently wrote to 230,000 people about their council tax benefit to encourage them to take up the benefits to which they are entitled. We make 13,000 home visits every week to conduct benefit checks, and that work is ongoing week in, week out.

Mr. David Drew (Stroud) (Lab/Co-op): May I commend the village agent scheme set up by the Department for Work and Pensions, which is run in pilot in Gloucestershire? A group of people are employed to go into rural areas and follow up on benefit opportunities. That has made a dramatic difference to people who are never contacted in any other way. That is a real example of Labour working in rural areas.

Angela Eagle: I thank my hon. Friend for his observations. When we conduct take-up campaigns, we must understand how important peer endorsement is. One of the most effective ways of getting pensioners to claim their entitlements is to enable them to have contact with pensioners who have been through the process and can reassure them that it is not difficult and that a successful claim makes a real difference to their living standards.

Geraldine Smith: I do not know about Norwich, but I was recently talking to a pensioner in Morecambe who told me that he would be voting Labour because of the winter fuel allowance, the free TV licence, the free bus pass and pension credit. He did not trust the Conservative party, because he was old enough to remember the 1980s and the last Conservative Government.

Angela Eagle: My hon. Friend's experiences on the doorstep are similar to mine.

David Taylor: I was speaking to a pensioner in Norfolk just a few days ago who knew that the take-up rate for the winter fuel allowance is very high indeed. What she will not have known is that just 58 weeks ago today, my hon. Friend the Member for Walsall, North (Mr. Winnick) asked the hon. Member for Eastbourne (Mr. Waterson),

"are the Tories now making a commitment to keep the winter fuel allowance if they win the election?"

The hon. Gentleman said:

"I will not make any commitments two years from an election".—[*Official Report*, 4 June 2008; Vol. 476, c. 841.]

We are now 58 weeks on, and 42 weeks and one day from the likely date of the election. When will the Opposition be clear about whether they support the winter fuel allowance? An assertion that they have no plans to cut it is not equivalent to an endorsement that they are going to continue—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I think I have had to say to the hon. Gentleman on more than one occasion that in his role as a member of the Chairmen's Panel, he would never allow that length of intervention.

Angela Eagle: My hon. Friend the Member for North-West Leicestershire (David Taylor) has drawn attention to a point at issue. The country has to judge the Opposition by their actions. If they are so concerned about pensioner poverty, why did they oppose the extra money allocated in the pre-Budget report to cold weather payments? Why did they vote against Budget measures to finance the increase in winter fuel payments, paid last year and due to be repeated this year?

Mr. Geoffrey Cox (Torridge and West Devon) (Con): I do not know whether the Minister has had a chance to read the report of the Select Committee, on which her party's representatives predominate. One of its criticisms of the winter fuel allowance is that it is extremely poorly targeted and goes to those who pay higher rates of tax. The Select Committee has made a recommendation that money could be saved by withdrawing the allowance from the rich. Does the Minister support such a policy?

Angela Eagle: The Government have no plans to do that, but I wonder whether the hon. and learned Gentleman's intervention gives a little glimpse into what the future might be were there to be such a tragic occurrence as a Conservative victory at the next election.

Mr. Winnick: Should not my hon. Friend congratulate the hon. and learned Member for Torridge and West Devon (Mr. Cox) on saying frankly what Opposition Front Benchers refuse to say? The Opposition would either abolish the winter fuel allowance, or, if they kept it, it would be means-tested. Let us tell the people, including pensioners throughout the country, what a Tory Government would mean.

Angela Eagle: I pay tribute to my hon. Friend's tenacity in attempting to get some sort of sense out of Opposition Front Benchers. My hon. Friend the Member for North-West Leicestershire quoted one of his attempts, which was rebuffed, to get the hon. Member for Eastbourne to come clean about his party's intentions last year.

Recently, the right hon. Member for Haltemprice and Howden (David Davis) referred to winter fuel payments as "a gimmick". The Tory think-tank Reform suggested scrapping the payments altogether, along with free TV licences. That attitude goes to the very top. In May, the

right hon. Member for Witney (Mr. Cameron) refused to rule out scrapping winter fuel payments. As my hon. Friends have just pointed out, the hon. Member for Eastbourne has refused to commit the Conservative party to retaining them. I note that he is not leaping to the Dispatch Box to put us right about that.

Mr. Waterson: With respect, the Minister is struggling. Let me make it clear: we have no plans to scrap those payments, and it is dishonest to suggest otherwise.

Mr. Deputy Speaker: Order. I sense that the debate is deteriorating. Far too much extra chatter is going on. Eight Back-Bench Members wish to speak in the debate and we have not yet got through Front Benchers' speeches, so some people will be disappointed. I give notice now that the time limit will be reduced.

Angela Eagle: I have been generous in giving way. To get through the rest of my remarks, I will not be so generous. I merely observe that in May, when the right hon. Member for Witney was asked whether he would rule out abolishing the winter fuel payment, he refused to do so.

The Government have legislated for the most radical pension reforms since the basic state pension was introduced. Those changes will sharply narrow the gender gap in pensions, delivering fairer outcomes for women and carers. In 2010, more women will be able to claim a full basic state pension than ever before. The number of qualifying years will be reduced from 39 to 30, which means that around three quarters of women reaching state pension age in 2010 will be entitled to a full basic state pension in their own right, compared with around only 30 per cent. now.

Our reforms will enable more women to build up a state pension based on their own contributions. For the first time, paid and credited contributions for caring will be recognised equally for basic state pension and state second pension purposes. It is a great step forward that the invaluable caring work done by millions of women up and down the country is finally to be recognised, valued and rewarded in that historic reform.

The Pensions Act 2008 also introduced a vital measure to allow eligible people, mainly women and carers again, to buy an additional six years of voluntary national insurance contributions. We estimate that as many as 500,000 women will benefit from that change alone.

The Opposition have claimed that we have not been clear about the restoration of the link with earnings, but that change is already enshrined in law. We have been clear that we will restore the link between state pensions and earnings in 2012 or by the end of the next Parliament at the latest. From 2012, radical changes to private pension saving will start to come into effect. Those changes will be the most significant changes to pension provision since the state pension was introduced 100 years ago. We will see between 6 million and 9 million workers either newly saving or saving more in workplace pension schemes. That will be supported by the introduction of the personal accounts scheme, which will fill the gap in the pensions market for workers on moderate or low incomes. Annual pension contributions are estimated to grow to around £10 billion a year by 2015 as a result of those changes. Around £6 billion of that is estimated to be new saving. That represents significant steps toward tackling under-saving for later life, as well as a boost to the industry.

Through the Budget this year, we introduced two important changes for pensioners with savings. From November, the capital disregard for pension credit will be increased from £6,000 to £10,000. That will benefit 500,000 people, with an average weekly gain of £4, and it means that 88 per cent. of pension credit recipients will be unaffected by having benefit deducted because of their savings. From October, we will increase the amount that the over-50s can save in an individual savings account to £10,200. Those measures, when taken with the planned changes to personal allowances announced in the Budget last year, will mean that around 600,000 more pensioners will pay no tax at all. Overall, that means that 60 per cent. of pensioners will pay no tax.

Maintaining confidence in pensions is undermined by scaremongering about the state of the industry. Unlike in previous downturns, this Government have put in place arrangements to ensure that people are not left without a pension, even when their employer goes bust. This Government set up the Pension Protection Fund to ensure a strong and clear protection regime for people whose pension scheme fails. The Pension Protection Fund provides a safety net for 12 million members of defined-benefit schemes. It has £3 billion in assets and is currently paying out around £4.2 million a month in compensation to those whose employers have ceased to trade. Given those numbers, there is no question but that the Pension Protection Fund is sustainable and that people can have confidence that pensions savings can be maintained.

After inheriting a situation in 1997 where pensioner poverty had been growing, this party has made genuine progress in helping the most vulnerable. For the first time in history, we in Britain have broken the link between age and poverty. Thanks to the policies of this Government, people are now no more likely to be poor because they are old. That is an achievement of which we on the Government Benches are rightly proud. We have also laid strong and lasting foundations for the future. We are not only taking action to deliver real help now to Britain's pensioners, but planning for generations to come. Our pension reforms mean that generations will benefit from a fairer and more generous state pension and that millions more will be saving in workplace pensions. Being old need no longer mean being poor, thanks to the action that we are already taking.

That is the agenda of a Government who are on the side of the people, not markets—a Government of action who will not sit idly by and do nothing. We have published our strategy to build a society for all ages, and we will take action to bring forward the review of the default retirement age. Yesterday, we published a Green Paper looking at the care and support system, which encompasses many of the important issues that have struck such a chord outside this House, such as personalisation and the national carers system. I commend the Prime Minister's amendment to the House.

Several hon. Members *rose—*

Mr. Deputy Speaker: Order. Before I call the hon. Member for Leeds, North-West (Greg Mulholland), let me say that I rather hope that his speech is no longer

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than that of his Front-Bench colleague earlier, on which basis the time limit on Back-Bench speeches had better be reduced to 10 minutes.

5.19 pm

Greg Mulholland (Leeds, North-West) (LD): Thank you, Mr. Deputy Speaker. I have to say that I have no idea how long my colleague's speech was.

Mr. Deputy Speaker: It was 20 minutes, if that is helpful.

Greg Mulholland: I shall endeavour not to speak for longer than that, Mr. Deputy Speaker.

I think that we can all agree that the Government are extremely good at warm words. The Prime Minister stated in his foreword to yesterday's Green Paper on social care:

> "The way in which our society provides care and support for those who need it, whether in later life of because of disability, should reflect our values of compassion and fairness. In Britain we rightly aspire to a care and support system in which everyone's needs are met and people can live their lives to the full."

But how many older people in this country would recognise the reality of their lives over the past twelve and a half years in those words? Only last year, we had another consultation paper from the Government: "The case for change: why England needs a new care and support system". Its opening paragraph stated:

> "In a civilised society, we have a moral obligation to ensure that people in need are not left without any care or support."

Yet here we are, a year on, talking about the start of a consultation process.

The sad reality for pensioners in Britain in the 21st century is that 2.5 million of them live in poverty. That is about one in five of the pensioners in this country. No Government—especially a Labour Government—should be anything other than deeply ashamed about that. The Commission for Social Care Inspection has estimated that older people are forced to spend £6 billion a year of their own money—often through selling their homes or raiding inheritance funds—in order to pay for their care in retirement. More than 2 million pensioners do not claim money from the benefits and credits system even though they qualify for it. So, whatever the Minister says, I am afraid that the system is not working to address the problem of pensioner poverty.

Mr. Graham Stuart: The hon. Gentleman is making powerful points about the position of the many pensioners who live in poverty in Britain today. Is he aware that the Institute for Fiscal Studies predicted—in 2007, before the current downturn—that there would be no change in the proportion of pensioners living in poverty in the next 10 years? I believe that the figure was one in five.

Greg Mulholland: I thank the hon. Gentleman for that interesting figure. The reality is that the number of pensioners living in poverty in this country was increasing even before we got into the recession, so as the recession bites, there is real concern about what will happen to the most vulnerable people in our society.

Over the next 20 years, the number of people in England over 85 will double, and the number of people over 100 will quadruple, yet we continue to have discussion after discussion on what we should do about the situation. The Government themselves estimate that over 1.7 million more people will need care and support in 20 years' time, yet we are seeing inadequate funding at local authority level from central Government, and a tightening of criteria. We have all heard stories in our own areas about people not getting the basic services that they need in order to lead a dignified and independent life.

Richard Younger-Ross (Teignbridge) (LD): Does my hon. Friend accept that one reason for pensioner poverty is that pensioner inflation is far in excess of the ordinary inflation that we feel? For instance, the increases in utility bills, water rates and council tax have far exceeded the rate at which pensions have increased. This has led to more pensioners being in debt and more being worse off than they were before. We need to address not only the level of the pension but the increase in costs that many pensioners have to bear. For instance, we could get rid of the council tax and replace it with—

Mr. Deputy Speaker: Order. I think that that is a long enough intervention.

Greg Mulholland: My hon. Friend raises an important point. Indeed, the issues relevant to this debate are covered by many Departments.

Social care in this country has been a Cinderella service for many years, and we have had very little apart from warm words to suggest that that is going to change. Recently we saw the publication of the NHS constitution, which once again entrenched the division between health and social care. Many of us find that division artificial, yet there it was again in black and white. I ask the Minister again, as I have asked before: when will that be addressed? Are we going to have a social care constitution, and why is social care not incorporated in the NHS contribution?

Dr. Ladyman: The hon. Gentleman seems to have missed the legislation that allowed the local NHS to create care trusts, in which social care and NHS funds are indeed pulled together and spent exactly as he suggests.

Greg Mulholland: There are some interesting pilots taking place in parts of the country, but that simply will not deal with the institutional divide in Whitehall, which I am afraid will take a lot longer to shift.

I now turn to the Green Paper, and I shall again quote the Prime Minister. Let us bear in mind that we are now nine months away from a general election, yet the Prime Minister says:

> "What is now needed is a major debate about the challenge we face and the options for addressing it...This is the start of a process for discussion rather than the end".

That is extraordinary. The Green Paper should have been published many years ago. If the warm words said before the 1997 general election meant anything, we would have had such a Green Paper published during the first years of the Labour Government.

The Secretary of State made a big plea for consensus yesterday, saying that we must all work together. Frankly, I am afraid that nine months before a general election, in the dying days of a Government, is absolutely not the time to be talking about needing consensus.

Christopher Fraser: I assume that during the election campaign the hon. Gentleman will be explaining in his own words how his party is going to offer free social care to the elderly—and how that will be costed.

Greg Mulholland: I will, of course, tell the House what my party policy is—and, unlike the hon. Gentleman's party, we have one!

The reality is that the Government have no timetable. We are told in the Green Paper that there will be a White Paper in 2010. Will it be in January, February or March? If it is any later than January, are we not talking about a Labour party manifesto commitment rather than a White Paper? The Government know full well that they will be able to do absolutely nothing to implement the proposals.

Let me cite what Age Concern and Help the Aged have said:

"While agreeing that a public debate is needed"—

let us face it, most of us have been engaged in that debate for many years—

"the charity called on politicians...to set out definitive proposals for reform and a clear timetable for action as soon as possible."

Yet even in yesterday's statement, we did not manage to get that. What we now have is yet more warm words and more commitments to achieve things that the Government know they cannot deliver.

At least we achieved a U-turn on Monday on the mandatory retirement age. I welcome that, and the fact that the review will be brought forward. It is important, particularly in a recession, to allow older people who so wish the dignity of continuing with their working lives. At least that is now on the agenda, whereas when I questioned the Minister some months ago, the idea was directly rebutted. Let us hope that in this Government's remaining months, we will see further U-turns to bring about changes that will help older people.

The hon. Member for South-West Norfolk (Christopher Fraser) asked about my party's policy. I am very pleased to tell him; we announced our policy last year. As a party, we think it important to engage in the debate and say what our policy is. Our policy involves a universal care guarantee—a partnership model based on the excellent King's Fund Wanless report, which the Government ignored. *[Interruption.]* It is costed, absolutely. I would be delighted to send hon. Members a copy. We remain committed to ensuring that those who are least able to pay get all their care paid for, but that everyone receives a minimum entitlement to care. That is set out in the Wanless report and is now in the Green Paper, which is welcome, but it should have been in a Green Paper and up for discussion back in 2006.

Mr. Dorrell: I think that the hon. Gentleman may have made an inadvertent error in suggesting that the Wanless proposal for a guaranteed minimum financed by the taxpayer was in the Green Paper. It absolutely was not. The Wanless version of the partnership model is not one of the Government's canvassed options.

Greg Mulholland: I thank the right hon. Gentleman for clarifying that technicality. I was talking about the partnership ideal, but I accept that our policy is a version, based on the Wanless model, of what we believe to be genuine partnership.

Let me quote the Prime Minister again. Back in 1993, at the Labour party conference, he said:

"I want the next Labour Government to achieve what in 50 years of the welfare state has never yet been achieved—the end of the means test for our elderly people".

I am afraid that, twelve and a half years into the present Government, that is very much not the case.

Let me now turn to the Conservatives—

Mr. Drew: Will the hon. Gentleman give way, briefly?

Greg Mulholland: I will.

Mr. Drew: I thank the hon. Gentleman for his generosity. An argument that I have not heard advanced so far is that care should be about quality. I think that one thing that the Government have tried to do is drive up quality, although what they have done may not be perfect. It may, for instance, have resulted in the closure of facilities that, with the benefit of hindsight, the Government realised could have remained open. Nevertheless, we should be trying to ensure that our older people experience quality, rather than just thinking about numbers. Does the hon. Gentleman agree with that?

Greg Mulholland: I agree entirely with the hon. Gentleman's sentiments, but I am afraid that if he spoke to all the elderly people in the country he would find that they were not receiving quality services. What they are receiving is patchy services that are very different in different areas, along with different entitlements. All the surveys conducted by older people's organisations make it clear that the quality of care is as important as its funding, but the two must be seen together. It is simply not realistic to suggest that we can secure better quality services without facing up to the difficult issues of funding.

Mr. Graham Stuart: Will the hon. Gentleman give way?

Greg Mulholland: I will, although I am conscious of the need to allow others to speak.

Mr. Stuart: I will try to be brief.

The truth is that under this Labour Government, the local authority bar for access to care has risen repeatedly because of the funding position. Care has been removed from those with moderate or even quite serious needs. It is necessary for people to be at the top end of the care need scale before they have access to local authority care, thanks to the actions of this Government.

Greg Mulholland: Indeed. I do not think that the burden placed on local authorities is taken seriously enough in this place. We need mutual minimum entitlements for people throughout the country, to prevent a different quality of care from being provided in different areas.

One would think that the Conservatives—especially as they called for the debate—would want to lead it by revealing their proposals for care in this country. I must

[Greg Mulholland]

say that I find their attitude rather barefaced. Although I do not agree with the Government on many aspects of this policy area, the Conservatives' criticism of the Government for not having a policy is amazing, given that they have no policy whatever themselves.

The shadow Secretary of State for Health, the hon. Member for South Cambridgeshire (Mr. Lansley), said on the "Today" programme how late the Green Paper was, and of course that is true. He also said:

"We will come forward with a clear proposal by the next election if the Government don't."

That, I think, exposes the reality of the Conservative position, which I am afraid is typical "substanceless" new Tory. It is very much like the Labour party's position in 1995-96. It is strong on warm words and spin, but very empty on policy. Of course, this is the party that abolished the link between pensions and earnings, and led us into the care system that we have now. The crisis with an ageing population was perfectly visible then, but the Conservatives did nothing to prepare for it.

We have approximately nine months left before the general election, and we are being asked to start a discussion about care. We are being asked to wait possibly six years for fundamental change to the pension system, such as a restoration of the link with earnings. This is not a time for discussions, let alone the start of discussions; this is a time for firm policy commitment.

The Secretary of State for Health tripped himself up yesterday. Having said that we want consensus—the title of the Green Paper is "Shaping the future of care together"—he said that at the next election all the parties would put their proposals to the electorate. Frankly, is that not what a Green Paper at this stage is all about, because it can deliver no change for people in our country before this Government leave office some time next spring?

We need real decisions that will affect older people's lives to be made now. We need to bring forward the decision to restore the link between pensions and earnings. We need clear policies for how we will deal with the care crisis that is ruining older people's lives now. We have heard quite enough warm words, but older people know that this country currently does not adequately value them.

5.35 pm

Kali Mountford (Colne Valley) (Lab): I have been a Member in this House for a little while now, and during that time I have discussed demographic change on many occasions. The hon. Member for Eastbourne (Mr. Waterson) has been in the Chamber for some of those debates, and we have had several exchanges about the need to look ahead at what we must do for people in the future. It is therefore a little remiss to have forgotten those occasions and instead to spend all our time talking about what we must do on pensions and pensioners as if that is all that needs to be addressed on the subject of elderly care—because the subject of today's debate is elderly care, not pensions.

I thought for a while that I had wandered by mistake into a session on leaflet-writing for the forthcoming Norwich by-election. That distressed me a little, because I had made a promise to people very important to me that on this rare occasion when I am able to speak in the House I would talk about elderly care, as that matters a great deal to me, partly because of members of my family, but also because of constituents of mine, some of whom have had good experiences and some of whom have not.

Having seen the Green Paper and some of the statements made in the House, I particularly wanted to take advantage of the opportunity given to me by the Opposition—I am grateful to them for that—to say what I think needs to be done on elderly care in the round. I want to pay tribute to the Government for what has happened already, because we would think from listening to today's debate that nothing had happened in the past 12 and a half years—but actually a great deal has happened.

I can remember—Members have to acknowledge this—a time when in homes we would think, "My goodness, I hope I never end up here." I still think that about some homes, and we have to do something about that. Having said that, however, there are homes in my constituency that have changed beyond recognition, and I pay tribute to those people in my constituency and the officers on the council who have worked closely together on that. The local authority and the staff of those homes have worked hard to change the system entirely. As a result, we now have assessment centres so that when people leave hospital they can be properly assessed and we can ensure that they get the proper care that they then need.

Sadly, that is not the case throughout the country. I have been very saddened when I have seen people who are not my constituents not receiving that level of care; some of them have been relatives of constituents of mine, who have asked me to intervene on their behalf. We have seen some high-profile cases on editions of the "Panorama" programme and elsewhere, so we cannot say with hand on heart that all our older people have had a life of dignity and care—the sort of life we would want for members of our own families. Some people have starved or have suffered elder abuse, and we must say that in this day and age that sort of thing must stop. It has saddened me a bit that this House has not taken just a little while to talk about that and what we need to do.

I have not had enough time to digest all of this Green Paper, but from what I have read I have seen the beginning of what could tackle some of the issues. This country has some fantastic people whose brains we ought to be using in order to bring together what we could be doing, but I still wish to make suggestions in order to take things further. The idea of having personalised care has been talked about for some time, but it has not been properly delivered. Such care has been delivered in some places, but it has not been delivered everywhere and it has not been delivered to the standard that all of us have wanted. We would all want the best for our mother if she was in care, yet we would have to say that we have encountered cases in our constituency mailbags where the care provided has not been good enough.

What in the Green Paper would make the situation better? Having one standard of care for everybody below which we cannot drop must be a good thing, but how are we going to make it work? Where the only other member of an elderly person's family is themselves old and frail, how could that person ensure that the care provided is top-notch? How could that person stand up to everybody in the system, given that the system sometimes

feels overwhelmingly large? I think that the relevant body is now called the Care Quality Commission, but because there are so many names in the system these days people going into homes may not know the right name to give and may feel quite belittled by the system. Can the family member be sure that they are asking the right question? Do they know who to ask for? Are we really empowering people in the right way? Do we perhaps need something akin to what we have in the health service? Do we perhaps need a patient advice and liaison service in the social care system? Could we be considering that in this Green Paper, so that there can be advocacy for people in the care system and so that in future we do not have people who feel that they have not been fed properly?

My mailbag, like those of other hon. Members, has contained cases where someone has felt that their relative had not been properly fed, had not received enough drink and had not received the proper care. Those people may have felt that their relative died inappropriately and too soon because of the care that they did or did not receive. If such people feel that and then cannot obtain answers, they will never believe that their loved one died in the way that anybody would want their loved one to die, and we cannot have that in our system today.

Dr. McCrea: Would the hon. Lady give way?

Kali Mountford: I shall do my best to sit down, if the hon. Gentleman will give me a moment to do so.

Dr. McCrea: I thank the hon. Lady for giving way. Does the situation not grow worse, and is insult not added to injury, when some elderly people have sold or have had to sell their house to get that care, yet still find themselves in a situation where they are not getting nourishment, proper food and nutrition?

Kali Mountford: I understand exactly what the hon. Gentleman is saying, but I have read the Green Paper and I feel that the Government are making three interesting proposals. It is right for us to debate the new proposals and see what we can do to change the situation that he describes. The people in the cases in my postbag have been receiving NHS care, so that situation has not arisen because such care is paid for. I know that some people have not been in that position, but usually where someone is having to be fed, an NHS paid-for place is involved. I can see that he looks quizzical and does not agree with me, but the places in the cases I am discussing have involved NHS care. I understand the point that he is making, however. If he has experience of different cases that have not been funded by the NHS, I take his point.

The Green Paper contains three options that we have all been asked to consider and debate. I have my own preference, but we will have to have the debate. I hope that people will not have to choose between their homes and care in the future, but that has been the choice for many years for many people, usually those in social care places. I would not want to make that choice. Personally, I have never wanted to inherit anything from my parents: I have wanted them to have the best care. However, I have heard from relatives of Alzheimer's sufferers that it is very distressing to know that they are unaware that the home that they have always treasured has had to be sold. So I understand the point that the hon. Gentleman was making.

In a roundabout way, that has brought me to the point that I was going to make about funding in general. When people are feeling vulnerable—and it is that vulnerability that I wanted the House to consider—they do not know where to go or to whom to turn. That is where the notion of advocacy comes in. In cases that I have looked at, the system has not always worked out as people expect. They have gone to people and asked for help, but they have been a little let down—

Mr. Deputy Speaker: Order. The House has been listening to the hon. Lady with great respect, but in fairness to other hon. Members we have to move on.

5.47 pm

Mr. Stephen Dorrell (Charnwood) (Con): I wish to follow the hon. Member for Colne Valley (Kali Mountford) in adopting a relatively non-adversarial tone, but nevertheless addressing some of the core issues that are at the heart of the debate that the Government seek on this sensitive issue.

The truest words spoken in the House this afternoon have been by the former Minister for Pensions, the right hon. Member for Croydon, North (Malcolm Wicks), who acknowledged that this subject has been avoided by Governments for the previous 25 years. It is therefore true, as my hon. Friend the Member for Eastbourne (Mr. Waterson) said from the Front Bench, that it is disappointing that a Government who came in pledged to action on the subject, which was certainly unfinished business when I left office as Secretary of State 12 years ago, are only now introducing a Green Paper and seeking a national debate. I am happy to enter into that debate, because it is a hugely important issue.

The central problem, of course, and the reason why Governments have consistently failed to address the issue, is not that it is difficult to express the aspiration—the Green Paper expressed many of the aspirations accurately, and I could have used much of the same language myself. The key issue is how we produce the resources necessary to deliver the services that we all aspire to provide for our elderly citizens.

I agree with the Green Paper's emphasis on the importance of carers. As one of my hon. Friends said earlier, elderly people can be carers not only for their elderly relatives—often their spouses or partners—but important sources of care for other members of the wider family community. Engaging in a proper discussion about how to use the voluntary support available from a wider understanding of family connections is an important part of this discussion. That is my first point.

My second point relates to my intervention on the Minister on the subject of direct payments and to the rather larger subject of personalised care, about which the hon. Member for Colne Valley was talking. We must all have experience from our personal lives and in constituency surgeries of money being wasted because it has not been accurately used in a way that reflects the individual preferences—I use that phrase as distinct from a need calculated from a dispassionate point of view—of the service user. The importance of personalised care and, in particular, of the direct payment principle

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is that it focuses resources on the delivery of service chosen and fashioned by the service user. In my view, that is the best way of securing care that meets the service user's needs.

The third issue that I want to touch on briefly before I come on to what I have described as the core issue of resources is what has been called "a National Care Service". The Government are extremely unclear in the Green Paper about what that phrase means. What, for example, is the role of the local authority in delivering a national care service? Is it to be a service provider? Is it to have local discretion on commissioning? The Green Paper refers to the oft-used "postcode lottery", which is exactly the same concept as local discretion. Do the Government think that all exercise of local discretion is merely a manifestation of the postcode lottery? If so, do they aspire to a single, uniform national service or are they willing to defend local differences of service and not dismiss every local difference as merely a manifestation of the postcode lottery?

I would suggest to Ministers that the phrase "national entitlement" is extremely dangerous, as we have seen not just from court cases in the social care field but from the broader debate about what the national health service should be providing as a national minimum entitlement. The moment we get into a discussion about the concept of a national entitlement, it becomes extremely difficult to produce services in a local area that reflect accurately the needs of people in that area and represent an efficient use of the resources available. Those resources will be different in different parts of the country for a variety of difficult historical reasons and the needs that arise will be different because of the nature of different local communities.

The concept of a "National Care Service"—the balance between the national definition and local delivery and between national priorities and local priorities—is not made any easier by the introduction of initial capital letters. With respect to Ministers, all the difficult questions attached to that phrase are left unanswered by this Green Paper.

I now come to the fundamental issue of resources. In 2006, Wanless analysed the resource implications of moving from social care provision, which we acknowledge does not deliver what we would want it to deliver to elderly people, to either what he called scenario 1, which was the current basic level projected forward for another 15 years, or scenario 2, which met the current aspiration projected forward for another 15 years. One can follow the arithmetic with decimal points, but in back-of-the-envelope numbers Wanless identified a funding gap of £20 billion emerging over 15 years. That funding gap of £20 billion is the elephant in the drawing room. It is the reason why, 12 years on, we have a call from Ministers for a national debate. It is the reason why we have not had the action promised by Tony Blair at the Labour party conference of 1997.

The Government say that it is impossible for tax funding to fill that gap—in their phrase, that is "ruled out"—and I agree with them. I suspect that the Liberal Democrats still believe that it is possible—through a penny on income tax, no doubt.

Dr. Ladyman: I am following the right hon. Gentleman's argument with care. He is absolutely right: that is the elephant in the room. That gap can be funded only from public spending or from people's savings—largely, the money they have locked away in their property. Although he may be justified in criticising the Government for not facing the elephant in the room, are not his hon. Friends, who started this debate by implying that, somehow, people would never have to tap into their savings, equally open to that criticism?

Mr. Dorrell: I agree with the hon. Gentleman to the extent that the funding gap has to involve more private resources—I totally agree with that. However, although it may be the policy prescription that he espouses, I do not think that it is necessarily true that those resources have to come out of the savings of retired people in retirement. It is, to my mind, one of the unattractive policy options canvassed by the Government that we should have a compulsory system that pays for provision exclusively through what is, in effect, a tax on elderly people. I think that we should be encouraging people to look forward to their likely evolving need during their working lives, and the secret to doing that lies in the insurance system.

The Government identify what they describe as partnership funding. As I said in an intervention on the Liberal Democrat spokesman, the hon. Member for Leeds, North-West (Greg Mulholland), the Government's definition of partnership funding is different in an important respect from Wanless's definition of partnership funding. As it happens, I am more on the side of the Government than I am of Wanless in that debate. However, the Government identify partnership funding as one option and then imply that insurance is a different option. I think that they are wrong to imply that they are different; in fact, they are one and the same option.

In my view, the Government's refashioning of the resource that is currently provided from the Exchequer—using Government money more effectively—in partnership with private resources will, if the Government develop a proper policy, automatically lead to an insurance market that allows resources to be mobilised in a way that is significantly fairer than trying to pay for the provision from a tax on pensioners, which is what I understand the Government's so-called comprehensive option to be. The core challenge, which the Government acknowledge but do not face head-on, is to use existing public resources more effectively and in a way that enlists private resources in order to fill the Wanless funding gap.

The Minister of State, Department of Health (Phil Hope): I am loth to intervene, but the right hon. Gentleman seems to be arguing for option 2, which is the insurance model—partnership with a voluntary option. What does he see as the strengths and weaknesses of that option in the longer term?

Mr. Dorrell: The key strength of a link between partnership and insurance is that more private resources are unlocked for an area where I see no alternative source of funding available to meet the requirement, and those resources are levied in a way that is fairer than the other options offered by the Government, because the insurance system allows people to contribute during their working lives. That is why my hon. Friends

and I have repeatedly tabled different versions of insurance-based schemes that work in partnership with the public sector. That is where the answer to the conundrum lies. What is disappointing is that, 12 years on, we are still taking about the concepts, rather than the detail of the legislation. As the Minister knows, a version of that legislation was left in the desk of the incoming Secretary of State in 1997. I no longer sign up to every detail of that legislation, but it was a long way on then from where we are now.

6 pm

Dr. Stephen Ladyman (South Thanet) (Lab): I sometimes think that I am a little bit too naive for this job. When I saw on the Order Paper the subject that the Opposition had chosen for debate, I thought, "Ah, they realise that the Green Paper is coming out, and they want to make a contribution on it in a debate." It was only when I got to the Chamber that I realised that the debate was intended to be a statement to the people of the by-election constituency, Norwich, North.

Before I try to follow the right hon. Member for Charnwood (Mr. Dorrell), and comment on his constructive comments and on the very thoughtful and impressive comments of my hon. Friend the Member for Colne Valley (Kali Mountford), let me say a little bit in response to the way in which the debate opened.

If people in Norwich, North are listening to this debate to help make up their mind how to vote, let me remind them that it was the Conservatives who broke the link with pensions. They then attacked the Government's tax changes, and the impact that those changes had on definable benefit pension schemes, but they never point out that it was their Government who gave employers payment holidays, which accounted for a large part of the black hole in pension pots. Of course, the Conservatives never explicitly say that they will change those tax arrangements to refill the pot, because they are not going to do that. They do not mention that it was they who opposed the introduction of pension credits.

The Conservatives raise issues such as Equitable Life and try to give the impression that if they were in power, they would find £5 billion with which to compensate all Equitable Life pensioners. I have some Equitable Life pensioners in my constituency, and I hope that we will treat them generously, but the Conservative party really should not try to give the impression that it will give a blank cheque to those pension holders when clearly it will not. The Conservatives keep telling us that they want honesty about public spending in the debate, yet today they have tried to imply that every pensioner will be better off. They have even tried to fudge the difference between means-tested benefits and universal benefits. They tried to give the impression to people who currently do not get means-tested benefits that the Conservatives will move to universal benefits, and that everybody will get something, without being honest to the people on means-tested benefits about the fact that if one does that, the pot of money has to be distributed more thinly, and the poorest in society will get less. The people of Norwich, North would be well advised to take what has been said today by Conservative Members with a substantial pinch of salt. That also applies to the Liberal Democrats—

Paul Holmes (Chesterfield) (LD): Will the hon. Gentleman give way?

Dr. Ladyman: In one moment. I was just about to be rude to the Liberal Democrats; let me do that first, and then I will certainly give way. The Liberal Democrats have at least changed their position now, but for a number of years they gave the worst of misdirections to the people of this country by implying that social care could be made free sustainably; they did so in the past couple of general elections, when clearly that was never an option. We should have been honest with people about that, and so should the Liberal Democrats.

Paul Holmes: I was going to agree with the hon. Gentleman absolutely until he made his last point. Everything that he says about Conservative policy, about the fact that the origins of the problems lie in what the Conservatives did in the 1980s, and about their lack of an answer now is true. However, is the hon. Gentleman—a former Minister—happy that after 12 years of a Labour Government we have the worst pensions in western Europe, 20 per cent. of pensioners in poverty, and still no answer on the question of care for the elderly? All we get, after 12 years, is another discussion paper that will come to nothing until after the next election.

Dr. Ladyman: I am not happy if one single pensioner is in poverty, but I know that, thanks to this Government, far fewer are living on low incomes than in 1997, because there is pension credit and winter fuel payments. I have not been to Norwich in the run-up to the by-election, but I have knocked on an awful lot of doors in the past few months, and poorer pensioners, to a man and woman, say to me that they are better off than they were. They recognise that the Government have targeted resources on them. Means-testing may be inefficient, and we might wish that we could do otherwise, but it has meant that we have been able to help the poorer people in society.

I turn now to the issues thrown up by yesterday's social care Green Paper.

Mr. Graham Stuart: The hon. Gentleman has said that pensioners are better off, but we have had 12 years of economic growth so of course they are—although still far too many are in poverty. Does he agree that social care received only a 1 per cent. increase in the Treasury's spending provisions, which in real terms was a cut? It was separated from NHS spending, but should not the two be joined together in future?

Dr. Ladyman: I certainly think that we need to bring funding for the NHS and for social care together in various ways. I was going to make the following point later anyway, but will make it now instead: we already have a model that could help us to do that. We do not need to reinvent the wheel, because we have done the same thing for children.

Children's trusts have been created to bring together all the resources—for education, social care and so on—that are focused on children. That is the responsibility of the directors of the children's trusts. We have also introduced the idea of care trusts. Local

[Dr. Ladyman]

areas can voluntarily create care trusts, in which NHS resources and social care resources from the local council are pooled together. What we have not yet done, but ought to, is say that that approach should no longer be voluntary. We should say that adult care trusts must be created everywhere, with each one having a director of adult care services responsible for pulling together funding from the NHS and local councils and making sure that it is spent most effectively. That is a way in which we can reduce the cost of social care.

One thing was missing from yesterday's Green Paper. We have identified the options for funding social care and how we might move forward on them, and I applaud the Government for grasping that nettle and being prepared to open the debate, but the Green Paper did not really put forward ideas for minimising the growth in the costs of social care.

By the middle of the century, four times as many people will be needing care than now. The fastest growing demographic consists of people over the age of 100: if we are spending £12 billion to £15 billion a year now on social care, we will be spending £60 billion in today's terms by the middle of the century. That cannot be afforded, so as well as identifying ways to fill the social care spending gap identified by the right hon. Member for Charnwood, we have to look at how we can minimise that spending.

Basically, the models in yesterday's Green Paper suggest that people should put a certain amount of money into the pot and that the Government will meet the rest of the costs, but that does not include any incentive for people to organise their lives in a way that minimises their care costs. They can continue to live in the biggest houses in the remotest parts of our constituencies and expect care workers to travel out to deliver care. Effectively, that will be at great expense to the Government: the liability falling on individuals will be capped, with the result that the public sector will have to step in and meet the costs.

How are we to incentivise people to organise their lives more sensibly? One option that I am very keen to promote is extra care housing. First of all, it means that people remain independent, because they stay in their own homes and do not have to live in residential care homes. They can access care as and when they need it, but the system means that care-providing organisations can model the care around the fact that people who need it are all in a relatively small place.

The extra care housing environment is a very efficient way to deliver care, yet councils around the country are still allowing developers to build ordinary, warden-assisted housing everywhere. Ninety per cent. of all the accommodation for older people that is being built is still simple assisted-living accommodation, with no element of care service provision. Therefore, we should change the planning laws, so that local councils can say, "No, you can't build this accommodation as just warden-assisted accommodation. You have to have care services delivered there as a way to help with that aspect of reducing costs."

When can we expect councils, as part of their planning duties, to design their town centres around what I like to call "liveability" for older people, and design older-people-friendly town centres, so that older people have an incentive to move from remote accommodation into their own accommodation but in the town centre, where it is far easier to provide them with the care services that they want?

Richard Younger-Ross: Will the hon. Gentleman give way?

Dr. Ladyman: Very quickly, because I do not have any more injury time.

Richard Younger-Ross: Will the former Minister answer the question about how we deal with rural areas where people want to live in their community? He seems to suggest that such people should move to the towns.

Dr. Ladyman: I am absolutely not suggesting that, but many people live in suburbs and around towns and are happy to be urban dwellers. Some people may be happy to move from rural to urban communities, and if they want to do so that is fine, but we can still organise services differently around rural communities to minimise cost. Telecare is one option. Where are our proposals to ensure that every older person is entitled to a package of telecare? If one lives in a remote rural cottage, one could make feasible the provision of care in one's home environment through telecare. Perhaps that should be the universal option that we put forward.

I mentioned earlier direct payments, of which I am a great fan. The right hon. Member for Charnwood rightly mentioned that the Conservatives introduced them, but they made it only optional for councils to offer them; we made it compulsory for councils to do so, and compulsory for councils to give such payments to individuals who requested them. We should continue to do that, but the ultimate direct payment is attendance allowance: it is not means-tested; it is a universal benefit with a national eligibility criteria. It is the ultimate direct payment; it is simply not called a direct payment at the moment.

One worrying proposal in the Government's Green Paper is the option that we take the money from attendance allowance and put it into a pot to pay for the social care service. If we are serious about direct payments, all we will do if we adopt that proposal is take attendance allowance off people with our left hand and, calling it something else, give it back to them with our right hand,. It would be far better just to call it attendance allowance, leave it as it is and recognise that it is in place to pay for that first element of somebody's care.

Finally, the Supporting People budget needs to be brought into the debate, too. The way in which we provide help through that budget is another element of the package which we have not addressed. I commend to Members the debate that my hon. Friend the Minister wants, and I commend the Government's amendment.

6.13 pm

Mr. Geoffrey Cox (Torridge and West Devon) (Con): I shall try to confine my remarks, to make them relatively short and, in the spirit of my right hon.

Friend the Member for Charnwood (Mr. Dorrell), to avoid the partisan rhetoric in which it is too tempting to engage on the eve of a by-election. I was, if I may say so, struck by the sincerity and dignity with which the hon. Member for Colne Valley (Kali Mountford) addressed the House, and if I were tempted to engage in the debate in a partisan spirit, her presence here, listining to me, would shame me into not doing so.

This is a profoundly serious debate. As somebody with a 97-year-old grandmother, who lives near me, whom I am responsible for, who is in residential care, who has gone through the often bruising experience of losing a great many assets and who is now, I am afraid, afflicted by dementia, I must say that the problem is all too present and real to my family and to me. This debate is therefore not one in which I can engage with any light or bantering tone. Plainly, the situation that afflicts my grandmother as she descends into dementia afflicts tens of thousands of people throughout the country, and they look to this House not for party point-scoring, although hon. Members in all parts of the House have engaged in such activity in good humour today, but for solutions.

I have been struck by something in this debate: we seem to have made a breakthrough. In recent years, it has been particularly depressing to note that there has been an element of deception in how we have approached the foundation of public policy on this issue. Indeed, the more I have come to play a part in the system under which we now operate—on behalf of constituents and personally—the more apparent it has become that the system has become cruelly deceptive of those who operate in it. For example, carers are said to be entitled to an assessment and a carer's package. How often do we Members experience that as a reality as we carry out our constituency functions? In the rural part of the south-west that I have the honour to represent, it is more of a declaration than a reality.

In Devon, part of which I represent, it is not true to say that when a person has exhausted their assets they can choose a home or remain in the home in which they have been resident. If the county council will not pay the fee associated with such homes, more and more families end up digging into their own pockets to top up the amounts that the county council will pay. Alternatively, a benevolent fund or charity—whomever one can find—becomes involved.

The alternative with which the resident is presented is that of moving from a home in which he or she has become happy, or at least contented and used to. That is cruel. Having paid all they can and descended beneath the relevant threshold of assets, the resident comes to the system. In many parts of the country—particularly in Devon, which has the sixth worst social care grant in the country—they find that the reality is not what they were led to expect, which was that the state would provide for them in their straitened circumstances.

Far too many in residential care are affected by serious conditions such as dementia; the hon. Member for Colne Valley spoke a little about that, but did not go into detail. My grandmother is in a home, clearly suffering from moderate, and increasingly severe, dementia. That is not, we are told, a matter for the health service and it is extremely difficult for her to access the mental health services that might assist her. I suspect that thousands of elderly people in residential care are affected by dementia. I fear that the curious assessment system that decides who falls under the health category and who falls under the social care category is also, to a large extent, a deception. The system is variously interpreted in different parts of the country and one senses that the lower the Government social care grant for a local authority, the more people who should be paid for from the health budget are in the homes of that authority.

I make criticisms of that, but I understand its springs and origins; it comes down to a shortage of money. I said that we had made a breakthrough in this debate and the run-up to it: it is that I have yet to detect anybody who seriously contests the notion that all parties must make a frank and candid admission to the country. It is that we cannot conceivably fund these measures through taxation, and if both sides of the House start from that point, we will at least have the beginning of a consensus—the start of a foundation on which we can build a policy.

I have yet to detect that; indeed, the Liberal Democrats went to the country at the last general election with a policy based on precisely that position. That reminds me of Harold Macmillan—I am going to indulge in a little badinage, but I hope it is good-humoured—saying that the Liberals are full of original and practical ideas, but the problem is that the original ones are not practical and the practical ones are not original. One has to say that the policy with which the Liberal Democrats went to the country three or four years ago was not practical. I am delighted to hear that they are no longer wedded to it, given that even their own party members considered it to be based on a deception.

We cannot go on suggesting to the people of this country that we can sustain elderly and social care on the basis of taxation. I agree with my right hon. Friend the Member for Charnwood that there must be a balance. I am going to risk provoking the concern of my Front-Bench colleagues by saying that we need to use public funds more effectively. I say to the Minister that I am not speaking for my party, so let him not make too much of this. I participated in a Select Committee that looked into fuel poverty and asked, "Are we making enough of the public funds?" and "Are we directing them and making them more effective?" That Labour-dominated Committee decided in its report, which I commend to the Minister, that we were not making effective use of the public means at our disposal. In my judgment, winter fuel payments should not be paid to those on higher-rate tax bands. It makes no sense to do that, and we could save about £250 million by not doing so—a small amount, but it would be a start. We are not making effective use of the many different allowances that are—I fully accept this—designed and targeted to relieve the poverty of the aged, including fuel poverty. On top of that, we should, as my right hon. Friend the Member for Charnwood suggested, adopt an insurance system over and above a particular threshold.

Dr. Ladyman: If the insurance had to be paid while one was working, which seemed to be the suggestion of the right hon. Member for Charnwood (Mr. Dorrell),

[Dr. Ladyman]

and if it were made compulsory, how would it differ from national insurance, which is effectively just another tax?

Mr. Cox: Plainly, the detail needs to be examined. I can think of solutions through the insurance system that would not necessarily mean that the money was lost if one did not subsequently have to call on the insurance fund, and other techniques could be used. The danger is that there would be no incentive to engage in it. However, it would be retrograde and unfortunate simply to have a tax on those who were elderly or a tax on their estates; we must look for alternatives to that.

The silver lining that I perceive in this debate, starting from a position of far less expertise than those who have participated in examining the problem in government, is that we have all been able candidly to accept—nobody has sought to argue otherwise—that we will need a system that is based at least partly on the private financing of those affected. If we can build on that as a starting point for this policy, we then have a responsibility to develop it. Twelve years ago, the former Prime Minister came into government promising that he would solve this problem. It is a bit late for the Labour Government to produce a policy now, but I am glad that they have, because at least we can all begin to talk about this in an adult and sensible way and to say to the public that it can no longer be done on the basis of public means and direct taxation.

6.24 pm

Dr. Richard Taylor (Wyre Forest) (Ind): At the beginning of the debate, I was quite depressed by the partisan nature of the contributions, so I am delighted to speak towards the end and follow three or four excellent contributions that show the willingness of Members on both sides of the House to take this matter seriously. I welcome the debate as an attempt to look at the problems of long-term care realistically, sensibly and openly, and, I hope, to achieve consensus.

I absolutely agree that the proposals have been rather slow in coming. I have spent quite a bit of time looking back at the Select Committee on Health's report on continuing care, published in April 2005. I had to examine the membership of the Committee to ensure that the Secretary of State himself was not a member at that time, because, as far as I can see, most of the recommendations in that report are covered in the Government's proposals and the Green Paper.

I shall go through one or two of those recommendations and what we discovered. The frequently identified problems were listed at the time:

"Inconsistency of criteria between PCTs/SHAs"—

primary care trusts and strategic health authorities—

"leading to inequity.

Gap between eligibility criteria on paper and application and interpretation in practice.

Inconsistent approaches to assessment and a lack of fit with the Single Assessment Process.

Inaccessible or incomprehensible criteria (both for professionals and patients).

Concerns over exclusion of many chronic needs (especially dementia) because of focus on physical care",

and

"Confusion over relationship between high band RNCC—

registered nursing care contribution—

"and fully funded continuing care."

The whole thing was an absolute nightmare, and I hope that the Green Paper will set about solving some of the problems.

I shall quickly go through one or two of the recommendations that the Committee made. Early in the report, we stated:

"We therefore recommend that the Government's review of continuing care funding arrangements take the form of a full, formal public consultation, in line with Cabinet Office recommendations."

It appears that, thank goodness, we have got there now. We asked the question

"what is health and what is social care",

and we got no meaningful answer, so we moved on to the absolutely obvious, stating:

"We strongly recommend that the Government remove once and for all the wholly artificial distinction between a universal and free health care service operating alongside a means-tested and charged for system of social care."

We got the answer that we expected from the Government, as the right hon. Member for Charnwood (Mr. Dorrell) might think:

"If by recommending that the Government remove the distinction between health and social care, the Committee is really recommending the removal of means testing for care services, then this would have significant cost implications."

The cost implications that we identified then were a mere £1.5 billion, estimated to rise to more than £3 billion by 2020, not taking into account the costs of looking after patients, such as food and residence costs. The figure of £20 billion is possibly more nearly correct, and that is obviously quite unaffordable from taxation. There appears to be a general consensus about that.

The Government are to be congratulated on the fact that at a time of recession, they have introduced a Green Paper inviting consultation on how we can find the money. I cannot help hoping that that spills over into the national health service as a whole, because we have to ration money for the NHS as well.

Mr. Graham Stuart: I welcome the hon. Gentleman's desire not to be partisan in spirit. I put it to him that one reason for some of the venom on the Conservative Benches is that this important debate has been launched nine months before an election, when it will be impossible to get consensus. Even if it were possible, it would not be possible to get legislation arising from it. The frustration is about the Government's failure in previous years to bring the consultation forward, although it is welcome whenever it comes.

Dr. Taylor: I thank the hon. Gentleman. I agree that the consultation is too late and has been a long time coming, but I still hope that it may lead to some movement forward.

The Health Committee's recommendations in 2005 went on to urge

"a single, universal set of national eligibility criteria for continuing care to end the inequities and inconsistencies that have developed as a result of the current system."

The situation was ridiculous. There were two separate systems for assessing eligibility for fully funded NHS care and for assessing the need for the registered nursing

care contribution. I hope that the Green Paper will address all those matters and, most importantly, genuinely tackle the problem of resources.

With your indulgence, Mr. Deputy Speaker, at the last moment, I will consider a rather different aspect of care of the elderly, which is incredibly important. The reason for allowing myself perhaps to digress is that the motion uses the words, "encourage respect" and

"promote security and dignity in old age",

and the Green Paper has the important subtitle, "Independence".

What do independent elderly people living alone need, as well as peace of mind about long-term care? They need the security of knowing how to access appropriate acute care and that they will be cared for expertly and appropriately in the right setting. One of the disadvantages of the rapid changeover of Ministers in the Department of Health is that, just when one has got a particular Minister to recognise something important, he moves on. I am referring to the right hon. Member for Exeter (Mr. Bradshaw), with whom I have had more than one debate about access to emergency care. That is particularly important for the elderly.

I want to put it on the record, so that current Ministers do not forget, that they are working towards a single, three-digit telephone number, which will allow the elderly to know that they do not have to traipse round the minor injuries unit or an accident and emergency department or to look for out-of-hours care. They can ring the number, which will point them to the correct pathway. That is the first thing that I do not want to be forgotten.

The second thing is also crucial for elderly people. Let us imagine an elderly person found unconscious in the street and taken to an A and E department. The first thing casualty officers do is measure blood sugar because, time and again, that puts matters straight. They whop in the sugar and, if it does not work, they take further tests and discover that the person has terribly low blood pressure and terribly low sodium. That raises all sorts of possibilities. If that patient were accompanied by an electronic summary care record, the doctors would be told the reason for the particular problems immediately. The electronic summary care record is crucial to quality of care for the elderly, and I cannot understand why it has been so delayed when we have an absolute model for it in Canada, where there is, on a single computer screen under eight headings, all that an emergency doctor needs to know. I hope that Health Ministers will recognise the importance of that.

I hope that, in the excitement of publishing the elderly care Green Paper, those other matters will be remembered and that everybody will engage, especially, as the right hon. Member for Charnwood has said, in working out how we can find the resources.

6.33 pm

Mr. Paul Burstow (Sutton and Cheam) (LD): I want to contribute briefly to the debate in two particulars. Many useful contributions have been made about the proposals for paying for long-term care, and there is a genuine sense of déjà vu about them. Not least, yesterday's statement contained echoes of the statement made by a former Secretary of State in May 1996. I want to use the debate to ask the Minister two questions, which need to be asked with only three sitting days left before we break for the summer recess.

The first relates to a commitment that was made last June by the Minister's predecessor immediately to produce a paper on prescribing anti-psychotic medication to people who suffer from dementia. That scandalous practice affects more than 100,000 people a year in care homes, and it probably accounts for the premature deaths of around 23,000 elderly people up and down the country. It is clear from the evidence that has been compiled over many years that such drugs cut lives short, that they result in strokes and that they cause many of the symptoms that are then used to justify yet more prescribing. Government action on this issue is long overdue, so will the Minister tell us when the now overdue report on prescribing will be published and the necessary action that will be taken?

My second point is about the Government's commitment to do something about elder abuse more generally and put in place new measures to tackle that scandal. Some 342,000 people a year are the victims of elder abuse in this country. That is a scandalous tally, and it does not even include those in care homes or those with dementia. I would therefore like the Minister to tell us when he expects the "No Secrets" review to release a publication. The codes of practice for consultation—codes to which the Government say they adhere—suggest that a publication should have come out in April. However, we have seen no analysis of the responses to the consultation, nor have we seen any indication of the Government's proposals.

I have heard that the intention is to smuggle out an analysis in electronic form—a rather flawed and partial analysis—of the consultation on "No Secrets" on the Department of Health's website tomorrow and that that will be done with no fanfare, no scrutiny and no indication of what actions will flow from it. It would therefore be useful if the Minister were to confirm today that it is not the Government's intention to do that, that there will be full accountability to this House and that there will be a genuine effort to keep minds open to the case that has been made by the police, the Commission for Social Care Inspection and almost every statutory body that responded to the Government's consultation. Legislation should be introduced to put the protection of vulnerable adults on a similar footing to the protection of children. Surely that should happen, because it is long overdue.

Those are the two issues that I wished to bring to the House's attention. I hope that the Minister will do me the honour of responding to those two points with some reassurances this evening.

6.37 pm

Christopher Fraser (South-West Norfolk) (Con): Like others, I pay tribute to those colleagues who have spoken in this debate, because many of us feel passionately about this issue.

In particular, I want to refer to something that the hon. Member for South Thanet (Dr. Ladyman), a former Minister, said about the Opposition motion. The issue has been on the Opposition agenda for some time. From where I am standing, I assure him that it is not in our motion, because of the Green Paper that was published yesterday. Partisan comments have passed

[Christopher Fraser]

across the Chamber, but I am a Norfolk MP and make no bones about it. The issues that affect people in Norwich equally affect people in my constituency, so I make no apology for bringing up that matter.

The fact is that elderly people feel vulnerable, but at the same time people in Norfolk are proud people: they want dignity and respect in retirement; and they want the state there as a hand-up, not as a handout. The fact is—this comes up on the doorsteps—that there is much social and economic deprivation across the county of Norfolk. I have spoken to people in Norwich and in my own constituency, which is highly rural—Norfolk is a disparate county that covers eight constituencies of various sizes—and they are concerned that what is being proposed today is too little, too late.

Tony Blair talked about the issue 12 years ago. I have a quote here from a constituent who came to see me at my surgery: "It's 12 years of hardship and misery—not just for me, but for my family and all those people whom I am now reliant on to give me the support I cannot get from the state." That is the fact of the matter, and that is what we face every day. I encourage hon. Members to listen more to constituents who say such things. That is not partisan; it is our job as Members of Parliament to stand up in this House and represent those points of view, however people may see it from the Government Benches. I am doing this, because it is right for the people of my constituency and the people of Norwich.

At the end of the day, we have a growing elderly population, who realise that their pensions will not cover the cost of care that they have to provide. They feel penalised as they go about their daily lives. They have made a contribution to the community and to society, and they have paid their taxes, yet in their hour of need, they often feel that the rug has been pulled from beneath them.

The families of many elderly people have moved away, because they can no longer afford to live next door, so they can no longer invite their grandmothers, grandfathers, uncles or aunts to live with them. Families have had to move because of work. My constituency covers 1,200 sq miles, and people can live very far away from each other while remaining in the same constituency. Villages and rural areas often do not have a proper infrastructure or a proper transport system. It is all very well to say that elderly people can get help from their families, but that is just not practical and it does not work.

Mr. Graham Stuart: Does my hon. Friend agree that the black hole in finances and resources is such that the honest message must inevitably go out from this place that families need to do more to support their loved ones in their old age? There is unlikely to be a solution that will provide the security that older people need without greater personal commitment from families.

Christopher Fraser: I agree 100 per cent. with my hon. Friend. There is no doubt that families try. No matter what their political persuasion or where they live, they try to help each other as best they can. At the end of the day, however, selling one's own home to pay for care is not the solution. Over the past 12 years, many people waiting for help from the Government have done their best to sort, but selling one's home in an economically and financially difficulty environment is not the easiest option.

Some of the proposals in the Green Paper will not suit people, because they will not be around to see the benefit of them. There is no mention of people who are coming to the end of their lives having struggled to manage. What are they to do? What is the Government's commitment to them? The Green Paper talks about the next generation, but we are talking about the here and now. The Green Paper goes some way towards dealing with the problems, but it is too little, too late.

Norfolk is a good example of a local county council in a diverse county doing its best. It serves local farming communities, rural villages, larger towns and, of course, the city of Norwich. Long distances mean that costs go up. People in my constituency, and in Norwich, will need to decide in a couple of months' time whether they can afford to fuel their homes or put food on the table. That is as bare as it gets, and it is a very difficult thing to decide.

People feel very isolated, and they do not have to live in a rural community to do so. People who live in terraced houses in streets with 150 other residents can feel just as isolated if their neighbours have no respect for them and do not feel the need to knock on their front door, and if local services do not have enough money to offer services such as meals on wheels. Other charitably based organisations sometimes cannot offer services to the community. People are making great sacrifices in difficult times, and the Government must address that problem. The people of Norfolk and the rest of the county—and, of course, the people of Norwich—deserve better.

6.43 pm

Mr. Stephen O'Brien (Eddisbury) (Con): We have had a wide-ranging debate that has been characterised by thorough and thoughtful contributions from both sides of the House. In addition to all our constituents, many of us have parents, grandparents, other relations and friends for whom these subjects are a genuine reality. In that spirit, I pay particular tribute to the measured, moving and brave speech by the hon. Member for Colne Valley (Kali Mountford). It was one of her understandably rare speeches in the House, and we all listened to it with great care.

The debate has also been characterised to some degree by disappointment in the Government. That disappointment coalesces around the question: who has been in Government for the past 12 years? We must also ask who promised, 12 years ago, to deal with the very issues before us today. My hon. Friend the Member for Eastbourne (Mr. Waterson) opened the debate with an excellent speech that covered the economic issues affecting pensioners and addressed the aspects of the motion that cover care of the elderly in the round. He pointed out that the present Prime Minister promised to end the means test for elderly people, but had not done so. The Labour party promised in its 1997 manifesto that

"all pensioners should share fairly in the increasing prosperity of the nation",

and, as we saw on countless news bulletins last night, Tony Blair told the 1997 Labour party conference that he did not want children to be

"brought up in a country where the only way pensioners can get long-term care is by selling their home".

On that latter point of care, it is not as if the Government have not had chances to deliver. On the subject of caring for the elderly—the title of this debate—the Government set up a royal commission on long-term care as far back as 1999. In 2006 the King's Fund published the Wanless report, which set out the models and problems faced much more thoroughly than the Government's Green Paper published yesterday did. In response to the Wanless review, the then Health Minister, the right hon. Member for Birmingham, Hodge Hill (Mr. Byrne), who is now Chief Secretary to the Treasury, announced a zero-based review. There is no evidence of any serious work being undertaken as a result of that; it seems that it amounted to little more than kicking the problem into the long grass.

Expectation then coalesced around the comprehensive spending review in 2008— fuelled by comments by the then Minister, the hon. Member for Bury, South (Mr. Lewis), who is now a Foreign Office Minister. He said that the Department would

"secure a fair and reasonable settlement as part of the comprehensive spending review"—[*Official Report*, 21 February 2007; Vol. 457, c. 98WH.]

It did not: the spending review simply announced another consultation. That consultation was launched by the Prime Minister in May 2008, in a speech to the King's Fund, in which he said:

"the government is publishing a consultation document setting out the challenges we face and why we must now look again at the options for reforming our current system of care and support."

I see that the Prime Minister also wrote a foreword to yesterday's Green Paper, which said:

"What is now needed is a major debate about the challenge we face and the options for addressing it. This Green Paper sets out those options and the principles which we must now consider. This is the start of a process of discussion rather than the end".

It is thus a fair question to ask just how many starts the Government need. We rightly ask that question, as my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) comprehensively did in his response to yesterday's statement.

Let me touch briefly on the question of consensus. Throughout this debate Ministers, including the Prime Minister, have deployed the word "consensus". The Prime Minister ended his King's Fund speech by saying:

"I look forward to building a consensus in this country about the best way ahead."

But the Government's record suggests that their understanding of the concept of consensus is to use it as a cloak when they are in trouble. At no point have they approached vast numbers of people in the third sector, let alone the official Opposition, to discuss the ways forward. As far as I know, they have not talked formally even to the Liberal Democrats or others. One would have thought that that was hardly a way to build a consensus. More importantly, the Government have consistently withheld the work they have commissioned and paid for with taxpayers' money, using it for political leaks rather than for informing public debate.

If this talk of consensus is to be more than warm words, the Government need to start building one, as urged by the hon. Member for Wyre Forest (Dr. Taylor) and by my hon. and learned Friend the Member for Torridge and West Devon (Mr. Cox), who spoke powerfully, informed by his experience of caring for his grandmother. They need to build consensus around agreement that social care in all its ramifications cannot be fully met from taxation alone.

I turn to the so-called models or options set out in yesterday's Green Paper. On the first, which the Government call the partnership option, the House must be careful about the choice of words. Derek Wanless described a partnership model, but for him, the Government would pay a first section of the costs and would match-fund the next section—an element that has slipped away in the Green Paper. The insurance option is actually a partnership plus, with insurance coming in to fill the gap. This was favoured by my right hon. Friend the Member for Charnwood (Mr. Dorrell), who spoke authoritatively and reminded us that it has been 12 long years since a proposal was first promised by the Government.

From the Government's presentation, it did not look as though traditional insurance solutions would work, so considerably more examination was needed. Inexplicably, however, the state-backed version of the insurance model has not been modelled. Indeed, an impact assessment, signed by the Minister of State, Department of Health, the hon. Member for Corby (Phil Hope), who is about to reply to the debate, said that all the benefits had been properly assessed for impact. When we get to the comprehensive model, however, it is equally problematic, and the impact assessment admits that this model has not been specifically modelled.

According to the impact assessments, it looks as though all the Government's preferred solutions and schemes assume that money is to be taken from abolishing the attendance allowance. The Green Paper is blind on this issue, so will the Minister explain what assumptions the models make about the disability living allowance?

I shall now talk briefly about people with disabilities who are under 65. Mike Smith, chair of the National Centre for Independent Living, said yesterday:

"Disabled and older people were hoping for leadership from the government in care reform."

It is clear that there are few ringing endorsements for the Government from the care sector. Indeed, it has been pointed out that reform was urgent for 12 years and remains so today, and that those under 65 with lifetime care needs have been completely overlooked.

We need to ask the Government a question that they have sought to skate over, not least yesterday. They call this a national care service. The national health service was extended throughout the United Kingdom from the outset. Can the Minister explain what the Government's plans are as regards cross-border portability in social care in a national care service, when it is impossible for Members, or indeed Government policy, to impose what the Government claim will be part of a national service on three parts of the United Kingdom? That question has yet to be answered.

I hope that the Minister will also be able to tell us what provision the Green Paper makes for meeting the costs of accommodation and food—the so-called hotel costs. It is interesting that, having said that he would set out his own party's policy, the hon. Member for Leeds, North-West (Greg Mulholland) failed to do so, because—not least at the last general election—the Liberal Democrats said that they would meet care costs, including "hotel

[Mr. Stephen O'Brien]

costs", because that had worked in Scotland. It did not work in Scotland. Indeed, in answer to a question from me in Westminster Hall, the hon. Member for Romsey (Sandra Gidley) put it on record—it is in the *Official Report*—that the Liberal Democrats' policy had been dishonest, and that the writers of her party manifesto had used that approach.

Lest anyone become carried away with the word "consensus", let me say that politics is about choices. Let me take this opportunity to explode the myth that Labour has been peddling about Conservative policies, not least in Norwich, which I have visited twice. How many times has the Minister been there? Labour is saying that we would cut pension credit, but that claim is dishonest. We have never said that we would cut pensions or pension credit. Labour is saying that we would scrap free television licences, but that claim too is dishonest. We have no plans to scrap free television licences. Labour is claiming that we would scrap free bus passes for the elderly, but we have no such plans, and it is dishonest to claim otherwise.

Let us rise above Labour's mischief, however. The debate has given us all a chance to rededicate ourselves to delivering, above all, independence, dignity, security and good-quality care to our elderly population. We must all work towards that, and nothing less. It is the job of our political generation to find the way forward, and we shall.

6.52 pm

The Minister of State, Department of Health (Phil Hope): We have had a vigorous debate. Some of it has been driven by political motivations—we know where they are coming from—but some has been driven by the experiences of constituents and by Members' personal experiences. I welcomed the contribution of my hon. Friend the Member for Colne Valley (Kali Mountford)—who spoke from huge experience—and that of the hon. and learned Member for Torridge and West Devon (Mr. Cox). Both expressed sincere concern, analysing their experiences and seeking solutions for the future.

Care for older people is an issue that arouses strong feelings, and rightly so. Given that a country is measured, ultimately, by how well it looks after its elderly, it is right for this question to be at the heart of our political discourse, whether here in Westminster, in Norwich or in any other part of the country.

I recently met an elderly couple in Croydon who were receiving excellent care through a unique partnership between the national health service, the local authority and a voluntary organisation, which were working together to give them high-quality support. They made it clear to me that they wanted us in Parliament, and in Government, to ensure that they would be looked after financially, and wanted to be reassured that their health and social care needs would be met so that they could play an active part in their community. They wanted it to be recognised that although they were elderly and frail they still had something to offer society, and they wanted the opportunity to prove it. It is up to us to rise above the party political division that will inevitably accompany debates of this kind, and try to reach a consensus on a better future for older people.

Let me deal first with welfare reform and financial well-being. Many Members have reminded us of our starting point. In 1997—10 years ago—pensioner poverty was a national disgrace: 3 million older people were living below the breadline, and the poorest had to scrape by on £69 a week. Today, no one under 60 need live on less than £130 a week. We have made huge strides in providing help for older people. Every pensioner benefits from free off-peak bus travel, free television licences and help with fuel bills.

The hon. Member for Eddisbury (Mr. O'Brien) and other Conservative Members have tried to deny it, but we have seen glimpses of a future Tory Government, with threats to those free services, and to the winter fuel payment in particular. He may wish to deny it, but we know differently, and so does the rest of the country.

On care and services for older people, two themes of the Opposition contributions have been that the Green Paper was too little too late, and that nothing has been done over the past 12 years. Let me put the record straight. Through putting people first, more than £0.5 billion of extra investment is today allowing local authorities to transform the way services are delivered, including through piloting new personal care budgets. I thought there was support throughout the House for that new direction in the delivery of social care. My hon. Friends the Members for Colne Valley and for South Thanet (Dr. Ladyman) both emphasised that it represented the right approach.

The national dementia strategy was published as recently as February this year. It is the first strategy of its kind, and it is a genuine milestone in developing new services for people with dementia and their carers.

The hon. Member for Sutton and Cheam (Mr. Burstow) asked two questions. We will publish our response to the review of anti-psychotic drugs shortly. On the review of abuse of adults and older people, let me put it on record that such abuse is never acceptable; we must make that very clear in this House. We will publish the response to the major consultation, which involved more than 12,000 submissions from professional organisations and older people themselves, this Friday.

Let me be clear about what we have done in spending terms over the past 12 years. In 1997, adult social care spending was less than £10 billion. Ten years later, that figure has risen to £15.3 billion—a 50 per cent. real-terms increase. Local authorities have received record increases in funding for the care that they provide. Spending on care for older people has gone up from £6 billion to almost £9 billion—a 41 per cent. real-terms increase. All that investment over the past 12 years, and all the reform that I do not have the time to describe in detail, has made a real difference to older people in our communities, but we now need to build on those successes to reshape the entire system.

Given the unfairnesses that others have described in the system, and given the demographic challenge of an ageing society, it is clear that we need radical proposals to maintain a viable and affordable care service for the future. Yesterday, my right hon. Friend the Secretary of State for Health laid before Parliament the vision of a new national care service to deliver a fairer and simpler approach to funding and accessing care services for all adults. With the exception of the hon. Member for South Cambridgeshire (Mr. Lansley) and his Front-Bench colleagues yesterday, I thought that on the basis of

some of the contributions from both sides of the House, we were beginning to see a bit of a consensus emerging. It is true to say—

Mr. Mark Harper (Forest of Dean) (Con) *rose—*

Phil Hope: I am not going to give way, as I only have a minute or so left.

When the Tories were in power, pensioner poverty increased and social care was ignored. In opposition, they are refusing to say what their policies would be and, very cynically, they have now said they will not support a national care service despite the comments of certain Conservative Back Benchers. Perhaps the Conservative Front-Bench team should look to them for sensible contributions about the right way forward, as I thought I heard support for option two in our Green Paper from at least two Conservative Back Benchers.

We want a system in which people can rely on a care service for the future, and we want to build a consensus around new national care services. For the sake of the people in Croydon whom I met recently, and the millions of people we represent as constituency MPs, I hope that the House will grasp this once-in-a-generation opportunity to support the creation of a national care service that is fairer, simpler and more affordable for all, and that provides good quality care for everyone, wherever they live and whatever their needs.

Question put (Standing Order No. 31(2)), That the original words stand part of the Question.

The House divided: Ayes 211, Noes 287.

Division No. 203] **[6.59 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Beith, rh Sir Alan
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Browne, Mr. Jeremy
Browning, Angela
Bruce, rh Malcolm
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Chope, Mr. Christopher
Clappison, Mr. James
Clark, Greg
Clarke, rh Mr. Kenneth
Clifton-Brown, Mr. Geoffrey
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Curry, rh Mr. David
Davey, Mr. Edward
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dorrell, rh Mr. Stephen
Dorries, Nadine
Duddridge, James
Duncan, Alan
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Farron, Tim
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Gray, Mr. James
Grayling, Chris
Greening, Justine
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hague, rh Mr. William
Hammond, Mr. Philip
Hammond, Stephen
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Holloway, Mr. Adam
Holmes, Paul
Horam, Mr. John
Howard, rh Mr. Michael
Howarth, Mr. Gerald
Howell, John
Hughes, Simon
Huhne, Chris
Hunt, Mr. Jeremy
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Kennedy, rh Mr. Charles
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Leigh, Mr. Edward
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Lilley, rh Mr. Peter
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Main, Anne
Malins, Mr. Humfrey
Maples, Mr. John
Mason, John
Mates, rh Mr. Michael
McCrea, Dr. William
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mercer, Patrick
Milton, Anne
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Neill, Robert
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Öpik, Lembit
Osborne, Mr. George
Ottaway, Richard
Paterson, Mr. Owen
Pelling, Mr. Andrew
Penning, Mike
Pickles, Mr. Eric
Prisk, Mr. Mark
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Robinson, rh Mr. Peter
Rosindell, Andrew
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Selous, Andrew
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, David
Smith, Sir Robert
Soames, Mr. Nicholas
Spicer, Sir Michael
Spring, Mr. Richard
Stanley, rh Sir John
Steen, Mr. Anthony
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Swire, Mr. Hugo
Tapsell, Sir Peter
Taylor, Mr. Ian
Teather, Sarah
Thurso, John
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Viggers, Sir Peter
Villiers, Mrs. Theresa
Walker, Mr. Charles
Waterson, Mr. Nigel
Watkinson, Angela
Weir, Mr. Mike
Whittingdale, Mr. John
Williams, Mark
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas

Wishart, Pete
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Bill Wiggin and
Mr. Stephen Crabb

NOES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blunkett, rh Mr. David
Brennan, Kevin
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Clwyd, rh Ann
Coaker, Mr. Vernon
Coffey, Ann
Cohen, Harry
Cook, Frank
Cooper, Rosie
Corbyn, Jeremy
Crausby, Mr. David
Creagh, Mary
Cryer, Mrs. Ann
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Fisher, Mark
Fitzpatrick, Jim
Flint, rh Caroline
Flynn, Paul
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, rh Paul
Goodman, Helen
Griffith, Nia
Grogan, Mr. John
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, rh John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jim
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kelly, rh Ruth
Kemp, Mr. Fraser
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Meacher, rh Mr. Michael
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh David
Miller, Andrew
Mitchell, Mr. Austin
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mudie, Mr. George
Mullin, Mr. Chris
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
O'Brien, rh Mr. Mike
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reid, rh John
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Spink, Bob
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Taylor, Dr. Richard
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Todd, Mr. Mark
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Vis, Dr. Rudi
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watts, Mr. Dave
Whitehead, Dr. Alan

Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

Tellers for the Noes:
Lyn Brown and
Steve McCabe

Question accordingly negatived.

Question put forthwith (Standing Order No. 31(2)), That the proposed words be there added.

Question agreed to.

The Deputy Speaker declared the main Question, as amended, to be agreed to (Standing Order No. 31(2)).

Resolved,

That this House welcomes the steps taken since 1997 to tackle increasing pensioner poverty; notes that policies delivering real help to pensioners include free bus passes, free TV licences, winter fuel payments and Pension Credit which ensures no pensioner lives on less than £130 a week; notes that the Government is targeting around £100 billion more on pensioners than if pre-1997 policies had been maintained; further notes the Government's commitment to reversing the policy of separating uprating of the state pension and growth in average earnings; notes the introduction of the Financial Assistance Scheme, the Pension Protection Fund and the Turner consensus as building a sustainable pensions system going forward; welcomes raising of Individual Savings Accounts limits at Budget 2009; warmly welcomes the Government's Ageing Strategy; further welcomes the publication of the Green Paper, Shaping the future of care together, which proposes a National Care Service to create the first national, universal, entitlement-based system for care and support ever in England; notes that the Government's proposals will shape a new care and support system fit for the 21st century that will be fairer, simpler and more affordable for everyone; further notes the published indicative costs an individual may face during their lifetime and the comprehensive impact assessment for the Green Paper; recognises that carers make a huge contribution to society; and acknowledges that the new Care Quality Commission has made dignity and respect one of its six key areas of inspection.

Business without Debate

DEFERRED DIVISIONS

Motion made, and Question put forthwith (Standing Order No. 41A(3)),

That at this day's sitting, Standing Order No. 41A (Deferred divisions) shall not apply to the Motions in the name of Secretary Bob Ainsworth relating to Defence, Mr Pat McFadden relating to Companies and Secretary Ed Balls relating to Children and Young Persons.—*(Mary Creagh.)*

Question agreed to.

Madam Deputy Speaker (Sylvia Heal): With the leave of the House, we shall take motions 4 to 8 together.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

DEFENCE

That the draft Armed Forces Act 2006 (Consequential Amendments) Order 2009, which was laid before this House on 2 June, be approved.

DEFENCE

That the draft Armed Forces (Powers of Stop and Search, Search, Seizure and Retention) Order 2009, which was laid before this House on 1 June, be approved.

COMPANIES

That the draft Companies (Share Capital and Acquisition by Company of its Own Shares) Regulations 2009, which were laid before this House on 17 June, be approved.

COMPANIES

That the draft Community Interest Company (Amendment) Regulations 2009, which were laid before this House on 17 June, be approved.

CHILDREN AND YOUNG PERSONS

That the draft Safeguarding Vulnerable Groups Act 2006 (Regulated Activity, Miscellaneous and Transitional Provisions and Commencement No. 5) Order 2009, which was laid before this House on 17 June, be approved.—*(Mary Creagh.)*

Question agreed to.

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith (Standing Order No. 119(11)),

WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT

That this House takes note of European Union Document No. 17367/08 and Addenda 1 and 2, draft Directive on waste electrical and electronic equipment (WEEE); and supports the Government's aim to work with the European Commission and other Member States to further reform the existing Directive.—*(Mary Creagh.)*

Question agreed to.

REGIONAL SELECT COMMITTEE (SOUTH WEST)

Motion made,

That Linda Gilroy be discharged from the South West Regional Select Committee and Roger Berry be added.—*(Mary Creagh.)*

Hon. Members: Object.

SITTINGS OF THE HOUSE

Motion made,

That, at the sittings on Monday 20 July and on Tuesday 21 July, the Speaker shall not adjourn the House until any message from the Lords has been received, any Committee to draw up Reasons which has been appointed at that sitting has reported, and he has notified the Royal Assent to Acts agreed upon by both Houses.—*(Mary Creagh.)*

Hon. Members: Object.

SELECT COMMITTEE ON THE REFORM OF THE HOUSE OF COMMONS

Motion made,

(1) That a Select Committee be appointed to consider and make recommendations on the following matters:

(a) the appointment of members and chairmen of select committees;

(b) scheduling business in the House;

(c) enabling the public to initiate debates and proceedings in the House; and

(d) such other matters as appear to the Committee to be closely connected with the matters set out above, and to report on these matters by 13 November 2009;

(2) That the Committee also consider such other matters as may be referred to it from time to time;

(3) That the Committee consist of eighteen Members;

(4) That Mr Graham Allen, Mr Clive Betts, Mr Graham Brady, Mr David Clelland, Mr David Drew, Natascha Engel, Dr Evan Harris, David Howarth, Mr Michael Jack, Mr Greg Knight, Mr Elfyn Llwyd, Mr Chris Mullin, Dr Nick Palmer, Martin Salter, Dr Phyllis Starkey, Mr Andrew Tyrie, Dr Tony Wright and Sir George Young be members of the Committee;

(5) That Dr Tony Wright be Chairman of the Committee;

(6) That the Committee have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, to report from time to time and to appoint specialist advisers;

(7) That this Order be a Standing Order of the House until the end of the present Parliament.—*(Mary Creagh).*

Hon. Members: Object.

PETITION

Flooding (Surrey)

7.16 pm

Mr. Paul Burstow (Sutton and Cheam) (LD): On 20 July 2007, we had an exceptional downpour of torrential rain, which led to flooding in many parts of our country, including in Sutton and Cheam, the constituency that I have the privilege to represent, affecting in particular those of my constituents who live in Green lane in Worcester Park. On that day, the Beverly brook flooded its banks, damaging property and causing great costs for many of my constituents and a good deal of disruption for many days after. Since that time, the Environment Agency has been working on a scheme to alleviate and minimise the risk of flooding, and it is about that scheme that I come to the House tonight on behalf of many of my constituents who have signed a local petition pressing for action now to implement the scheme.

The petition states:

To the House of Commons.

The Petition of residents of Green Lane, Pembury Avenue, Worcester Park and others,

Declares that the flooding of Green Lane and adjacent roads on the 20th July 2007 by the Beverly Brook caused damage to property, cost and disruption for the residents.

The Petitioners therefore request that the House of Commons calls upon Her Majesty's Government to implement the flood protection scheme recommended by the Environment Agency in the coming year.

And the Petitioners remain, etc.

[P000394]

Diageo Closures

Motion made, and Question proposed, That this House do now adjourn.—*(Mary Creagh.)*

7.18 pm

Des Browne (Kilmarnock and Loudoun) (Lab): The Johnnie Walker whisky bottling plant in Kilmarnock dominates the town. As its Hill street address suggests, it sits above the centre of the town as a solid symbol of Kilmarnock's industrial history. Like the ravens in the tower of London, no matter how bad things get in Kilmarnock, as long as the Johnnie Walker plant is there, there is always hope for the future. For a community that has suffered decades of de-industrialisation and that for more than 30 years now has had a systemic higher rate of unemployment than the rest of Scotland, psychologically the imposing presence of Johnnie Walker and its 700 jobs offers some optimism that the town can rise again.

Hardly is there a family in Kilmarnock and the surrounding area that is not connected in some way to the Johnnie Walker plant or to the distribution centre in Barlieth, Hurlford. There are thousands of former Johnnie Walker workers in Kilmarnock, hundreds of present Johnnie Walker workers, and many thousands who aspire to be Johnnie Walker workers.

Sandra Osborne (Ayr, Carrick and Cumnock) (Lab): I congratulate my right hon. Friend on his campaign, which has brought together on a cross-party and cross-community basis many people in Kilmarnock and the surrounding area. Does he agree, however, that the closures would affect the whole of Ayrshire, which has already lost far too many jobs in the past few decades? The economic impact on Ayrshire would be dire.

Des Browne: I thank my hon. Friend, who has been a stalwart supporter of the campaign that we are conducting to try to get Diageo to change its mind. The fact that she has been so vocal in her support shows the extent to which the people of Ayrshire—and, indeed, Scotland, to a large degree—have fallen in behind the campaign. She anticipates many of the arguments that I am about to make, so perhaps I should carry on.

The plant, the distribution centre and the support services provided by local businesses contribute in excess of £20 million a year to the local economy, and that economy stretches beyond Kilmarnock. By operating the bottling plant in Kilmarnock and the distribution centre in Hurlford, Diageo contributes all that benefit to the wider community of Kilmarnock. To that extent, the people of Kilmarnock and Ayrshire are grateful for the years that it has run the plant, but the situation has been far from a one-way street, and I think that the business would accept that.

In 1819, Johnnie Walker, a local grocer, first blended his whisky for sale in his own shop. Today, the brand Johnnie Walker is the world's leading blended whisky, outselling every other whisky in volume, and outselling every other spirit in value. Workers in Kilmarnock contributed to that success story with their loyal, efficient profit-making and hard work.

Angus Robertson (Moray) (SNP): I congratulate the right hon. Gentleman on securing the debate, and on his vigorous support of his community. Does he agree that the provenance and heritage of whisky is crucial to

consumers at home and abroad? It is a real mistake for any multinational company to lose touch with, and lose its commitment to, the communities that produce their profits, whether they are in Kilmarnock, Glasgow or Speyside.

Des Browne: I thank the hon. Gentleman for his intervention, and indeed for his support, to which I shall come back in a moment. The interventions reassure me that the argument that I am developing is the right one; it is being anticipated right, left and centre. It may well be anticipated further as the evening goes on. I was explaining that the situation is far from a one-way street, and that the people of Kilmarnock have contributed significantly to the success of the plant and its well-known and internationalist spirit.

For many of my constituents, Johnnie Walker is woven into the weave of Kilmarnock. I have to say that until 1 July, they thought that that commitment was reciprocated. Diageo is an impressive multinational company: it provides 4,500 jobs in Scotland, leads the drinks industry across the world, and markets some of the world's best-known and leading brands. To its credit, it earns formidable amounts from exports for the United Kingdom and its shareholders. Ostensibly, it is a modern company managed according to the best 21st-century corporate practices. That means that over the years, its workers in Kilmarnock have been conditioned to understand just how much they are valued by their corporate masters, just how important their individual and collective contributions are to the corporate success, and, importantly, how seriously Diageo takes its responsibilities to them as partners, not just workers. Its workers have been conditioned to understand how much the company is committed, as part of its ethos, to cherish and preserve its legacy and heritage and to protect the communities that are its hosts.

I could paper the walls of this Chamber with corporate documentation that articulates that message of partnership. It is designed to encourage the work force to show greater efficiency and greater loyalty, and it succeeds. Yet on 1 July, those same workers were told that the need for "more shareholder value" required that their bottling plant be closed within two years, and that the distribution workers be transferred within months to a new employer—essentially, as they were told in a letter, whether they liked it or not.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): I congratulate my right hon. Friend on securing the debate. He is well aware that Kilmarnock workers have made a major contribution to the profits of Diageo, but so have workers throughout the rest of Scotland, particularly in Port Dundas and in Renfrewshire, where we are losing jobs, too. Independent consultants have been brought in to assist Diageo, which is a welcome move. Can he inform the House whether those independent consultants will work with the workers' representatives, the trade unions? I do not mean just talking to the trade unions, which have expertise in such matters; I mean working alongside them.

Des Browne: I thank my hon. Friend for that intervention, as he has great knowledge of the industry. The Shieldhall bottling plant is in his constituency, and he will come to know Diageo very well as he continues to represent the area over the years.

The mandate to carry out the work was accepted by Scottish Enterprise, but I can reassure the House that, at a meeting convened last night by John Swinney, it was made very clear that the consultants were to be engaged just on that basis. Indeed, Jack Perry, the chief executive of Scottish Enterprise, offered the representatives of the Unite and GMB unions the opportunity to contribute to and engage in the process of assessment.

Of course, this issue is broader than my constituency. I am being slightly selfish in concentrating on the interests of my constituents in this debate, although I am sure that the House will understand that, but I repeat that the matter stretches well beyond my constituency. It is unfortunate that the Port Dundas workers do not have a Member of Parliament at present to speak up for them in this House, but there will shortly be an election and that might give them a chance to get their problems aired.

John Robertson (Glasgow, North-West) (Lab): As a Glasgow MP, I can safely say that the cooperage in Port Dundas is well known, if only because of the smell in the streets in the top end of the town. It is part of Glasgow, and the people there can ill afford to lose the 100-odd jobs in Port Dundas.

Des Browne: I am grateful to my hon. Friend for speaking up for Glasgow, which he does regularly in this House. I am sure that the workers are pleased that they are not being forgotten in this debate. I hope that the campaign will continue and that they will have other opportunities to make their case. However, time is always short for these debates so I shall try to make progress with the argument that I want to make for my constituents, and in respect of the wider issues at stake.

Since 1 July, much has been written and spoken about this matter, in the Scottish media and more widely. Latterly, corporate whisky has been responding to the campaign to get Diageo to think again about its proposals, and last week Diageo embarked on a counter-campaign.

Over the weekend, it was reported in the online edition of *The Sunday Times* that the view of the managing director of the distiller and bottler Ian McLeod and Co. was that, as a consequence of the decision, the whisky industry had

"become the latest plaything of government and opposition."

He is reported to have said:

"If the politicians are going to start shouting from the rooftops whenever a company tries to make some of their employees redundant, it hardly sends out a positive message to prospective inward investors in Scotland".

Some of us thought that that attitude had gone out in the 1980s, but unfortunately it seems to be alive and well in corporate whisky. My message to that director is that his rather quaint and old-fashioned views mainly reinforce my concerns about where we will end up if we do not stop and think hard about the full implications of the proposals.

Far from playing at it, we are deadly serious. The workforce at both Kilmarnock and Hurlford, the Unite and GMB unions, East Ayrshire council, Scottish Enterprise, the Scottish Government, Willie Coffey, who is the Member of the Scottish Parliament for my constituency, the members of the recently elected Scottish Youth Parliament, as well as wider civic society in

[Des Browne]

Kilmarnock and Loudoun and in Ayrshire, have all joined together to speak with one voice in asking Diageo to think again. That we have sustained this campaign from a standing start for two weeks now, maintaining a consistent public presence and gathering support from across the world, is convincing evidence that the cause is just. However, it is also a sign of the degree of pain that the community is feeling and the level of fear that it has for its future.

The Johnnie Walker workers in Kilmarnock are extremely grateful to wider Scottish society for the support that they have received. The First Minister and my right hon. Friend the Secretary of State for Scotland have both pledged their support. On behalf of my constituents, I should like to thank the hon. Members for Moray (Angus Robertson), for Orkney and Shetland (Mr. Carmichael) and for Dumfriesshire, Clydesdale and Tweeddale (David Mundell) for joining me last week to launch an all-party UK parliamentary presence in this campaign. I should also like to add our thanks to my hon. Friend the Member for Glasgow, Central (Mr. Sarwar) and the Scottish Affairs Committee for taking up our request that it investigate the implications of the decision for Scotland.

If we add to that the growing petition that is attracting support from throughout the world and the offers of support that are flooding in from all over, the House may get a sense of how important the issue is. All that will be reflected in a march and rally in Kilmarnock on 26 July, to which all those Members not on holiday—which we all know is for all but two weeks during the recess—are invited.

Mr. Jim McGovern (Dundee, West) (Lab): I am a member of the Scottish Affairs Committee, and today, as I am sure my right hon. Friend is aware, we met senior members of Diageo's management. Not only I, but all members of the Committee, were angered at the management's expression of resentment at any political involvement in the decision. Currently, by legislation of course, it is a proposal not a decision, but I hope my right hon. Friend agrees that it would be remiss of any politician not to challenge such a decision. The management said today that we were using the issue as a political football, but "political football" suggests to me that politicians have fallen out with each other, and that is not the case. There is cross-party condemnation of the proposal and cross-party support for a challenge to it.

Des Browne: I thank my hon. Friend for his contribution, although he has spoiled the whole second half of my speech. His point is important, however, and those in what I have come to refer to as corporate whisky need to hear that the path between them and us has been well beaten when they have wanted our support for their industry throughout the world. We are never short of giving that support, but on this occasion we say, "We have read your literature carefully, and you say that in the 21st century you have this relationship with your workers, legacy and communities, so can we please test this?"

David Mundell (Dumfriesshire, Clydesdale and Tweeddale) (Con): Will the right hon. Gentleman give way?

Des Browne: A considerable number of Members wish to intervene, and I shall be happy to take those interventions, subject to leaving my right hon. Friend the Minister an opportunity to address the House at least for a few minutes, but I want first to make some progress.

It cannot be the case that all those whom I have cited and who have fallen in behind the campaign are wrong about the argument, and that the only people who are right are Diageo executives and corporate whisky. It cannot be the case that the former are the only people in Scotland who cannot see the point. My research has revealed that an embarrassment of phrases from whisky's own promotional material could be deployed to show what we all know, which is that, when a glass of whisky is raised anywhere in the world, the whisky drinker is raising Scotland in a glass.

Of all the competing brands of Scotland in a glass, Johnnie Walker is the most successful by a street because of its provenance—because of its roots stretching back to 1820. To paraphrase the words of another successful advertising campaign, it delivers what it says on the label.

Mr. Alistair Carmichael (Orkney and Shetland) (LD): I, too, was at the Scottish Affairs Committee briefing with senior Diageo management, and I was surprised that they were so surprised by our reaction. We merely reflect the reaction of our constituents, however, so can I, through the right hon. Gentleman, tell those in corporate whisky, as he calls it, that they have always received a good reception in this House because we see the connection between our communities and their business? If they are determined to break that connection, why should our communities seek to support them in the future?

Des Browne: I could not have put it better myself. I was hoping to, of course, but I could not have. I want to pose some questions to my right hon. Friend the Minister, and I shall take one more intervention at an appropriate point.

About 12 years ago, the local council, East Ayrshire council, Scottish Enterprise and the workers at Kilmarnock, supported by Donald Dewar and Brian Wilson, who were then in the Scotland Office, succeeded in persuading Diageo that that combination of efficiency, loyalty and profitability, embedded in a credible heritage and provenance, which is in the bottle, was a winning combination. Then, Diageo decided not only to continue to bottle whisky in Kilmarnock but to invest in the plant. Then, politicians intervened, and as a consequence Diageo and its Johnnie Walker plant in Kilmarnock have enjoyed a decade of improving markets and greater profitability. It is possible for politicians to make a positive contribution, and that is an example.

Little, if anything, has changed since then, and the current proposal has nothing to do with the recession and everything to do with Diageo positioning itself in the global market for the next decade or so, as it is entitled to do. The difference this time is that the company's marketing gurus and desire for more shareholder value have convinced its executives that they can take the risk of breaking the link between the world's best-known Scotch whisky and its history. Furthermore, they must have been prepared to contemplate the disastrous social effects that the decision would have on the community

that I represent, which has so loyally served the company for about 200 years, and they must have considered that a price worth paying. I do not believe that it is.

Making the case for the company to think again is my job as a politician; it would be a dereliction of my duty not to do now what I did 12 years ago. Thankfully, we are dealing with what in Diageo's own words is a proposal. Its chief executive officer told me to my face that he would listen to an alternative. He has repeated that, both to the First Minister and to the Secretary of State for Scotland—and, no doubt, to the Scottish Affairs Committee. We intend to take him at his word.

I am not in the business of peddling false hopes and I realise how difficult this will be, but I am determined that all of us involved in this side of the argument will work together to produce an alternative that is at least as attractive as the proposal that is on the table at present. Scottish Enterprise has accepted the mandate to conduct the assessment of the underlying financial and business plan to enable us to come up with that alternative. The First Minister of Scotland has cast himself in the role of principal interlocutor with Diageo. Yesterday in a meeting in Edinburgh, local politicians and I made it perfectly clear to John Swinney, the Finance Secretary, and his officials and the senior management of Scottish Enterprise, that time is of the essence.

Diageo's 90-day consultation clock is ticking, and the unions are already embroiled in consultations. If those consultations are not to become simply an opportunity for the company to justify its proposal, the shape of the alternative must begin to emerge sooner rather than later. When the First Minister meets the chief executive officer of Diageo next week, this story must move on. The campaign is bringing the community that I represent together in a spectacular fashion, but behind closed doors the uncertainty is destroying its confidence in its future. That cannot be allowed to go on.

My constituents are very grateful to my right hon. Friend the Minister's Government for the support expressed by my right hon. and learned Friend the Leader of the House at Prime Minister's questions last week. However, on my constituents' behalf I have some messages for the Government and I look forward to hearing the Minister's response. First, the UK Government must stand ready to support, in any way that they can while respecting devolved responsibilities, any alternative proposal that emerges. I repeat that what has happened is not a consequence of recession and the decision is not driven by duty rates on spirits; consequently, the levers that the UK Government hold will be limited. However, as the counter-proposal emerges, and if we need to come for support, my constituents need to know that it will be there.

My right hon. Friend the Minister is a fellow Scot and a former adviser to the late Donald Dewar, and he has a long history of appreciation of Scots values and heritage. I do not have to explain to him just how important these historical links are to Scotland's most famous export. Does he share my concern about the facility with which whisky executives now seem to be able to trot out the justifications for not only breaking the link but for moving even more than 20 per cent. of whisky bottling offshore?

David Mundell: I thank the right hon. Gentleman and congratulate him on his campaign, which has my full support and that of my colleagues in Scotland. Does he agree that if Diageo is the blue-chip, high-quality global company that it holds itself to be, the 90-day consultation will be a genuine one in which a counter-proposal will be listened to and properly and legitimately evaluated, rather than being a sham exercise simply endorsing decisions that have already been made?

Des Browne: The hon. Gentleman has made an important point. I have spoken to the chief executive officer of Diageo, and I believe him to be a man of his word. He has given me his word that the company will listen to any alternative proposals during the consultation. I have to say that I was slightly concerned by the message that I was receiving, and the distillation of it, last Thursday, when I thought that a different message was in fact being given. However, I am satisfied that the man paid to run the company is telling me the truth and that it will listen. The onus is on us to come up with the alternative to persuade it. I do not underestimate how difficult that will be, but we need to get the opportunity to do it, and the company needs to listen to what we have to say.

I conclude by requesting that my right hon. Friend the Minister ensures that his officials keep in regular contact with their colleagues in Scottish Enterprise and in the Scottish Government, and that he gives this House an undertaking that he will keep us informed of any significant developments.

7.39 pm

The Minister for Business, Innovation and Skills (Mr. Pat McFadden): I congratulate my right hon. Friend the Member for Kilmarnock and Loudoun (Des Browne) on securing this debate. I have spoken to him about this issue several times in recent weeks, and I know how much it means to him and to his constituents. He is of course deeply concerned about the jobs of the Diageo workers in his constituency and the effect that the loss of those jobs will have not only on the families involved but on the wider community in Kilmarnock and the rest of Ayrshire.

The Scotch whisky industry is hugely important to the UK economy. Figures published last month by the Scotch Whisky Association put the value of annual whisky shipments at more than £3 billion, earning £97 a second for the UK last year. Overall, the equivalent of more than 1 billion bottles of Scotch whisky were shipped all over the world—to north and central America, Australia, Europe and Asia. Whisky also means jobs. About three quarters of the UK's distilled alcoholic drinks enterprises are located in Scotland, with an estimated 41,000 people employed just in making, distilling and bottling whisky.

Diageo is a major player in all this. It owns 29 whisky distilleries in Scotland, and houses all its maturing Scotch whisky in Scottish warehouses. Twenty-eight per cent. of its net sales are from Scotch whisky; that is a very large figure when one considers that it has sales of about £8 billion. Diageo directly employs 4,500 people across 50 sites. The Government, through UK Trade and Investment, have strongly supported the Scotch whisky industry, as my right hon. Friend said, and we

[Mr. Pat McFadden]

have worked with Diageo in developing export markets. We very much appreciate the importance of that company and of the industry in general.

Diageo's proposal is twofold. The first part is to close the packaging plant in Kilmarnock—one of three in Scotland—along with the cooperage in Port Dundas that was mentioned. The second part is to make a new investment of some £100 million, creating 400 new jobs elsewhere in Scotland. I understand that, as my right hon. Friend said, this has been greeted in Kilmarnock, where the greatest number of jobs will go, with deep disappointment and dismay.

My right hon. Friend outlined the history; if someone knows the history, it means something to them. Kilmarnock is known as the home of Johnnie Walker whisky. Place has a huge role to play in whisky brands. As he said, when people buy whisky, they are not just buying a drink—they are buying into a story about place, heritage and tradition. That is one of the major reasons for whisky's success. This particular whisky has been blended in Kilmarnock for almost two centuries, ever since Johnnie Walker himself blended it and sold it in Kilmarnock high street back in 1819. In fact, one of the earliest incarnations of the whisky was called Walker's Kilmarnock. Since then, generations of Kilmarnock families, including Johnnie Walker's descendents, Alexander Walker and Alexander Walker II, have added to the story of the whisky, whether through the iconic square bottle introduced in 1870 or the distinctive label applied, I understand, at the precise angle of 24°.

The association of the brand with real people and real places helps make Johnnie Walker such a distinctive and successful whisky. In fact its influence goes beyond the pleasure of drinking, as it has a wider cultural influence. I could name Leonard Cohen, Van Morrison, The Band, The Streets and ZZ Top as just some of the artists to have featured Johnnie Walker in their lyrics. Films such as "The Dirty Dozen" and great television programmes such as "The West Wing" contain references to Johnnie Walker. Indeed, there is even a Japanese novelist, Haruki Murakami, who went so far as to create a character called Johnnie Walker.

Johnnie Walker is a whisky renowned throughout the world, with a far-reaching cultural influence. Perhaps that is one reason why there are yearly sales of more than 120 million bottles. Such is the product's worth that owning one bottle of a particular Johnnie Walker blue label of which I understand there are only 200 in existence would set one back an estimated $30,000.

The affinity between the town and the brand helps explain why the proposal to close the plant in Kilmarnock has aroused such passionate and vocal opinion in the local community. As my right hon. Friend said, there is a 90-day consultation on the plans, and Diageo has given guarantees that there will be no compulsory job losses in the next 12 months. My right hon. Friend the Secretary of State for Scotland has met the Diageo chief executive, to whom I spoke briefly about the matter today.

Campaigners in Scotland have urged Diageo to consider seriously any alternative options that the workers and Scottish Enterprise can come up with, including the possibility of relocating to different sites in Kilmarnock and Glasgow if suitable proposals emerge. The business of devising alternative solutions involves the First Minister, the Secretary of State for Scotland, the chairman of Scottish Enterprise and many others. They are working on putting together an alternative proposal for the company. As my right hon. Friend the Member for Kilmarnock and Loudoun said, a meeting yesterday was convened by the Scottish Government's Finance Minister, John Swinney.

For our part, we believe that the work that the Scottish Government and their agencies are taking forward is crucial. I hope and believe that the company is genuine about consultation and open-minded about possibilities. The UK Government will continue to work with the company and my right hon. Friend, and to engage with the work force about the best way forward on this crucial issue.

Question put and agreed to.

7.47 pm

House adjourned.

Deferred Division

EAST MIDLANDS REGIONAL GRAND COMMITTEE

That the East Midlands Regional Grand Committee shall meet in Nottingham on Wednesday 9 September between 2.00 pm and 4.30 pm to take questions under Standing Order No. 117B (Regional Grand Committees (questions for oral answer)) and to hold a general debate on building Britain's Future: how the region will make the most of the upturn.

The House divided: Ayes 277, Noes 180.

Division No. 201]

AYES

Abbott, Ms Diane
Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Anderson, Mr. David
Anderson, Janet
Armstrong, rh Hilary
Atkins, Charlotte
Austin, Mr. Ian
Austin, John
Bailey, Mr. Adrian
Balls, rh Ed
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Blackman, Liz
Blears, rh Hazel
Blunkett, rh Mr. David
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Butler, Ms Dawn
Caborn, rh Mr. Richard
Campbell, Mr. Alan
Campbell, Mr. Gregory
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Chaytor, Mr. David
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clelland, Mr. David
Cheyd, rh Ann
Coaker, Mr. Vernon
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
Darling, rh Mr. Alistair
David, Mr. Wayne
Davidson, Mr. Ian
Davies, Mr. Dai
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Fiello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
Gerrard, Mr. Neil
Gilroy, Linda
Godsiff, Mr. Roger
Goggins, rh Paul
Goodman, Helen
Griffiths, Nigel
Grogan, Mr. John
Gwynne, Andrew
Hain, rh Mr. Peter
Hall, Mr. Mike
Hall, Patrick
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Havard, Mr. Dai
Healey, rh John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Hayes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hoey, Kate
Hood, Mr. Jim
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Hughes, rh Beverley
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Iranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Kelly, rh Ruth
Kemp, Mr. Fraser
Kennedy, rh Jane
Khan, rh Mr. Sadiq
Kidney, Mr. David
Knight, rh Jim
Kumar, Dr. Ashok
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Lanton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
MacShane, rh Mr. Denis
Mactaggart, Fiona
Mallaber, Judy
Mann, John
Marsden, Mr. Gordon
Martlew, Mr. Eric
McAvoy, rh Mr. Thomas
McCabe, Steve
McCarthy, Kerry
McCarthy-Fry, Sarah
McCrea, Dr. William
McDonnell, Dr. Alasdair
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGrady, Mr. Eddie
McIsaac, Shona
McKechin, Ann
McKenna, Rosemary
McNulty, rh Mr. Tony
Merron, Gillian
Miliband, rh David
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mountford, Kali
Mudie, Mr. George
Munn, Meg
Murphy, Mr. Denis
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Norris, Dan
O'Brien, rh Mr. Mike
Oiner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purchase, Mr. Ken
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reid, rh John
Riordan, Mrs. Linda
Robertson, John
Robinson, Mr. Geoffrey
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheerman, Mr. Barry
Sheridan, Jim
Simpson, Alan
Simpson, David
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, John
Snelgrove, Anne
Soulsby, Sir Peter
Southworth, Helen
Spellar, rh Mr. John
Starkey, Dr. Phyllis
Stewart, Ian
Stoute, Dr. Howard
Strang, rh Dr. Gavin
Straw, rh Mr. Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, Ms Dari
Taylor, David
Thomas, Mr. Gareth
Thornberry, Emily
Timms, rh Mr. Stephen
Touhig, rh Mr. Don
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek

Ussher, Kitty
Vaz, rh Keith
Walley, Joan
Waltho, Lynda
Ward, Claire
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Williams, rh Mr. Alan
Williams, Mrs. Betty
Williams, Hywel
Wilson, Phil
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Woolas, Mr. Phil
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony
Wyatt, Derek

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Alexander, Danny
Amess, Mr. David
Ancram, rh Mr. Michael
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baker, Norman
Baldry, Tony
Barker, Gregory
Baron, Mr. John
Barrett, John
Benyon, Mr. Richard
Beresford, Sir Paul
Binley, Mr. Brian
Bone, Mr. Peter
Boswell, Mr. Tim
Brady, Mr. Graham
Brake, Tom
Brazier, Mr. Julian
Breed, Mr. Colin
Brooke, Annette
Browne, Mr. Jeremy
Burns, Mr. Simon
Burrowes, Mr. David
Burstow, Mr. Paul
Burt, Alistair
Burt, Lorely
Cable, Dr. Vincent
Cameron, rh Mr. David
Campbell, rh Sir Menzies
Carmichael, Mr. Alistair
Carswell, Mr. Douglas
Cash, Mr. William
Clappison, Mr. James
Clegg, rh Mr. Nick
Cormack, Sir Patrick
Crabb, Mr. Stephen
Curry, rh Mr. David
Davey, Mr. Edward
Davies, Philip
Dorries, Nadine
Duddridge, James
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Farron, Tim
Featherstone, Lynne
Field, Mr. Mark
Foster, Mr. Don
Fox, Dr. Liam
Francois, Mr. Mark
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gibb, Mr. Nick
Gidley, Sandra
Gillan, Mrs. Cheryl
Goodman, Mr. Paul
Goodwill, Mr. Robert
Gray, Mr. James
Grayling, Chris
Grieve, Mr. Dominic
Gummer, rh Mr. John
Hammond, Mr. Philip
Hancock, Mr. Mike
Hands, Mr. Greg
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heald, Mr. Oliver
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hemming, John
Hendry, Charles
Hoban, Mr. Mark
Hollobone, Mr. Philip
Holmes, Paul
Horam, Mr. John
Howard, rh Mr. Michael
Howarth, David
Howell, John
Hughes, Simon
Huhne, Chris
Hunter, Mark
Hurd, Mr. Nick
Jack, rh Mr. Michael
Jenkin, Mr. Bernard
Jones, Mr. David
Kawczynski, Daniel
Keetch, Mr. Paul
Key, Robert
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Lait, Mrs. Jacqui
Lancaster, Mr. Mark
Lansley, Mr. Andrew
Laws, Mr. David
Leech, Mr. John
Lewis, Dr. Julian
Liddell-Grainger, Mr. Ian
Lidington, Mr. David
Luff, Peter
Mackay, rh Mr. Andrew
Maclean, rh David
Malins, Mr. Humfrey
Mates, rh Mr. Michael
Maude, rh Mr. Francis
May, rh Mrs. Theresa
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Mitchell, Mr. Andrew
Moore, Mr. Michael
Moss, Mr. Malcolm
Mulholland, Greg
Mundell, David
Murrison, Dr. Andrew
Newmark, Mr. Brooks
O'Brien, Mr. Stephen
Öpik, Lembit
Ottaway, Richard
Paice, Mr. James
Paterson, Mr. Owen
Penning, Mike
Penrose, John
Pickles, Mr. Eric
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Reid, Mr. Alan
Rennie, Willie
Rifkind, rh Sir Malcolm
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Rogerson, Dan
Rowen, Paul
Russell, Bob
Sanders, Mr. Adrian
Scott, Mr. Lee
Shapps, Grant
Shepherd, Mr. Richard
Simmonds, Mark
Simpson, Mr. Keith
Smith, Sir Robert
Spelman, Mrs. Caroline
Spicer, Sir Michael
Spink, Bob
Spring, Mr. Richard
Stanley, rh Sir John
Streeter, Mr. Gary
Stuart, Mr. Graham
Stunell, Andrew
Swayne, Mr. Desmond
Swinson, Jo
Tapsell, Sir Peter
Taylor, Mr. Ian
Thurso, John
Tredinnick, David
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vara, Mr. Shailesh
Villiers, Mrs. Theresa
Waterson, Mr. Nigel
Watkinson, Angela
Webb, Steve
Whittingdale, Mr. John
Wiggin, Bill
Williams, Mr. Roger
Willott, Jenny
Winterton, Ann
Winterton, Sir Nicholas
Wright, Jeremy
Yeo, Mr. Tim
Young, rh Sir George
Younger-Ross, Richard

Question accordingly agreed to.

House of Commons

Thursday 16 July 2009

The House met at half-past Ten o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

BUSINESS, INNOVATION AND SKILLS

The Minister of State was asked—

Automotive Assistance Scheme

1. **Sandra Gidley** (Romsey) (LD): What assessment he has made of the rate of take-up of the automotive assistance scheme. [287048]

The Minister for Business, Innovation and Skills (Mr. Pat McFadden): As we said at the time of its launch, the automotive assistance scheme is for long-term reinvestment in the industry, not short-term rescue funding. The Department has been in contact with about two thirds of all companies that may qualify for assistance under the scheme, resulting in 19 formal expressions of interest so far. Projects in the pipeline could involve total Government support of about £1.45 billion.

Sandra Gidley: I thank the Minister for that reply. There seems to have been some delay in allocating loans or guarantees under the scheme. Could the Minister clarify why that is? Is it because the conditions set out in the scheme's criteria are too strict? Clearly, the money has not yet found its way to most manufacturers.

Mr. McFadden: As I said, it is important to understand that this scheme is about long-term reinvestment projects, not short-term rescue. The Secretary of State said at the time of its launch:

"There is no blank cheque on offer and there are no operating subsidies. We are committed to ensuring that anything backed by the scheme offers value for taxpayers' money, enables us to green Britain's economic recovery"

and

"delivers significant innovation in processes".—[*Official Report, House of Lords*, 27 January 2009; Vol. 707, c. 178.]

We are working through these projects with the companies concerned. I can assure the hon. Lady and the House that there is no delay on the Government's part. We are working closely with the companies concerned, but we also want to ensure that we get value for money and the long-term benefits of reinvestment for the industry concerned.

Richard Burden (Birmingham, Northfield) (Lab): I endorse what my right hon. Friend says about the automotive assistance scheme being about long-term investment in green technologies, and so on. However, that does not necessarily mean that the process of approving the money needs to be long term. There needs to be greater dispatch in bringing things to a conclusion, particularly where strategically important companies are involved that are part of the global and regional economies, one example being Jaguar Land Rover in the west midlands and in the north-west.

Mr. McFadden: Constructive discussions between the Government and Jaguar Land Rover are continuing. The Government are keen to help, but of course the terms must be right. I assure my hon. Friend that the Government are not seeking to delay help at all, but we want to ensure that the help that we give is in line with the aims of the scheme as set out when we launched it. I remind my hon. Friend, who represents the area covering Longbridge, that only last week we were being criticised for being too ready to put Government money into the car industry. It is absolutely right that we ensure that in doing this we get appropriate value for money and do it for long-term reinvestment projects that can help to secure the long-term health of the UK automotive industry.

Peter Luff (Mid-Worcestershire) (Con): I fully endorse the concerns expressed about the urgency of dealing with Jaguar Land Rover, but the supply chain in the automotive sector is also in crisis. Is the Minister able to clarify his position on closing the gap in eligibility under the enterprise finance guarantee scheme and the automotive assistance programme to help the supply chain?

Mr. McFadden: The hon. Gentleman echoes a point that has been raised by several potential applicants under the scheme about the £5 million threshold. My officials have worked with companies in that position to help them to brigade potential projects. We want to take a flexible and helpful attitude to this; we are not in the business of turning away companies for no good reason.

Lorely Burt (Solihull) (LD): I have listened carefully to what the Minister is saying about long-term investment, but that does not mean long-term lead-in. If we look across the channel to France and Germany, and then further afield to the US and Japan, we can see that they have already delivered substantial amounts of assistance, so I do not understand why it is taking so long in the United Kingdom. For the past six months, while Parliament has been sitting, nothing has happened—not a single penny has been given to any automotive company. Now that we are going into recess, perhaps the Minister could give a guarantee about at least some funding coming through to the automotive sector—and during his holidays, perhaps he would like to pop over to France and Germany to see how they have managed to do it there when we cannot seem to do it here.

Mr. McFadden: I have to disagree with the hon. Lady when she says that no help has been given to the automotive industry. She ignores the car scrappage scheme, which has been in place for some months and has helped to boost a significant number of sales in the UK automotive industry. That is giving real help in the short term to automotive companies. I think that it is widely recognised as being a success. This scheme is different in that it is geared towards long-term reinvestment,

not only towards the short-term issues facing the car industry. We are working diligently, carefully and productively with the companies that are making applications under the scheme.

Learndirect Programme

2. **David Taylor** (North-West Leicestershire) (Lab/Co-op): What recent representations he has received on the future of the Learndirect programme; and if he will make a statement. [287049]

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): There has been recent interest in Learndirect's proposals to develop its technology and support more learners directly over the internet and telephone. We are examining the results of the trials, but for the foreseeable future we will continue to see face-to-face contact as a core aspect of delivery for many learners.

David Taylor: With more than one in 10 young people not in education, employment or training, it is good news that the Train to Gain programme in Learndirect centres and elsewhere has increased its uptake by 60 per cent. to 800,000. Why, then, is the Learning and Skills Council struggling with its current Train to Gain budget and the university for industry shutting down all Learndirect centres in 2010? Is there a real future for Learndirect and Train to Gain?

Kevin Brennan: First, Learndirect will not be shutting down all its centres by July 2010. It has been consulting its network of providers about a possible new approach, but as I said earlier, that approach is being tested and the Government will be consulted before any final decisions are taken. On the future of Train to Gain, we will be spending £1 billion in 2011, building on the expenditure this year. Train to Gain is safe with this Government, although not with the Opposition, who would cut it.

Manufacturing

3. **Mr. Jim Cunningham** (Coventry, South) (Lab): What recent assessment he has made of levels of growth in the manufacturing sector in (a) Coventry and (b) the West Midlands. [287051]

The Minister for Regional Economic Development and Co-ordination (Ms Rosie Winterton): The manufacturing sector remains absolutely vital to the west midlands economy. Advantage West Midlands and its partners are focusing investment on major markets in which the region has strength and which offer the best prospects for wealth creation and employment as we come out of recession. We have an industry growth programme worth £30 million in the current financial year and £25 million next year, of which 75 per cent. is focused on the manufacturing sector.

Mr. Cunningham: I thank my right hon. Friend for that answer, but I recently attended a conference in Coventry organised by the Warwickshire partnerships, which are part of the sub-regional CBI. They voiced concerns about the slowness in getting help to small businesses in the west midlands, particularly in the Coventry area. How can Advantage West Midlands assist small businesses to speed that help up?

Ms Winterton: As my hon. Friend is aware, my hon. Friend the Minister for the West Midlands, through his taskforce, has looked very closely at how to help small and medium-sized enterprises. I know that the Advantage West Midlands transition bridge fund has made offers of loans totalling some £9.3 million to 55 local businesses to date, and I believe that nine of those are located in his constituency in Coventry and Warwickshire.

Mr. Mark Prisk (Hertford and Stortford) (Con): Yesterday, the chief executive of Jaguar Land Rover, such an important business in the west midlands, announced 300 job cuts and said that further action would depend in part on how quickly the agreed loan from the European Investment Bank was forthcoming. Given that Ministers agreed on that loan three months ago, why are the company and its workers still waiting? The French and German Governments delivered their loans from the EIB months ago. Why is it that under this Government, car firms in Britain are the last to get the help that they have been promised? Is it deliberate Government policy or just incompetence?

Ms Winterton: Yesterday's decision was not connected with the ongoing negotiations about working with Jaguar Land Rover. It was to do with a particular type of production coming to an end. The support that the Government are giving to the west midlands, working through the regional development agency, has ensured that we have been able to safeguard jobs and help businesses. The Opposition, of course, would abolish RDAs, which would mean that the type of help that we have provided would not be available.

Mr. David Winnick (Walsall, North) (Lab): My right hon. Friend is quite right in her comments. The west midlands suffered two major recessions in the 1980s. Does she accept that urgent steps are now necessary to help places such as mine in the west midlands that rely heavily on the manufacturing industry? We do not want the curse of mass unemployment to come back.

Ms Winterton: My hon. Friend is right. In that context, the last thing we want is public expenditure cuts, as proposed by the Conservative party. I think that the manufacturing advisory service has been able to give some direct help. Last year, the MAS helped approximately 2,600 companies in the west midlands and increased the value of business up to £85 million. My hon. Friend is right: we need to get that direct help out there quickly.

London Metropolitan University

5. **Mr. Rob Wilson** (Reading, East) (Con): What recent discussions he has had with the Higher Education Funding Council for England on its funding for London Metropolitan university. [287053]

The Minister for Higher Education and Intellectual Property (Mr. David Lammy): I have been in regular touch with HEFCE about the serious situation at London Met. I fully support HEFCE's decision to commission an independent review of its actions, which it will

publish shortly. A similar inquiry into the university's actions is necessary. It is therefore right that the new acting vice-chancellor of the university has asked Sir David Melville to conduct such a review, which will investigate all aspects of what happened, including issues of governance.

Mr. Wilson: I thank the Minister for his answer, but what happened at London Met is a national scandal. Is he aware that dozens of other higher education institutions are facing significant budget deficits next year? According to the funding council, seven higher education institutions are already described as at high risk of financial failure, including London Met and Thames Valley university in my constituency. According to sources at the funding council, that could increase to as many as 30 next year. Can the Minister confirm the scale of the financial crisis and tell the House exactly what he will do about it?

Mr. Lammy: With due respect, I think that my sources at the funding council are slightly better than the hon. Gentleman's. The situation at London Met is very serious—and extraordinary. It is not unusual for institutions to have problems during the course of a year in relation to students who drop out of courses. In that case, money has to be clawed back from the funding council. However, the scale of the problems that has been revealed at London Met is unusual. The review that is now being conducted is therefore important. The Government will look at the recommendations—

Mr. Speaker: I call Adam Afriyie.

Adam Afriyie (Windsor) (Con): Thank you, Mr. Speaker. I am sorry for taking a while to get to the Dispatch Box—there are many colleagues on the Front Bench.

London Metropolitan university offers excellent scientific research, high level science degrees and an ultra modern science centre. The Minister's answer was not good enough because, on 20 May in a debate in Westminster Hall, following serious allegations of collusion between HEFCE and LMU over the drop-out rates, which led to the crisis, he gave a clear and unambiguous commitment to the House. He said:

"There will, of course, be an independent inquiry".—[*Official Report, Westminster Hall,* 20 May 2009; Vol. 492, c.457.]

When will that independent inquiry begin? The Minister has a choice: he can either confirm the inquiry or apologise for the misinformation.

Mr. Lammy: The hon. Gentleman is not over the detail. There has been an independent inquiry by KPMG, commissioned by the funding council. It will report to the board of the funding council and be published in due course. Sir David Melville, the former vice-chancellor of Kent university, is undertaking another inquiry into what happened at London Met. That, too, will report in the autumn. At that point, the Government will consider the recommendations and, if there is something for us to do, we will do it.

Creative Arts (Thurrock)

6. **Andrew Mackinlay** (Thurrock) (Lab): What progress has been made in funding the proposed co-location of the National Academy for Creative and Cultural Skills and the Royal Opera House production campus in Thurrock. [287054]

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): I have asked the Learning and Skills Council to review all national skills academy funding proposals in the light of the funding that is available. The Learning and Skills Council expects to be able to make an announcement soon.

Andrew Mackinlay: "Soon" is ambiguous. Does the Minister mean in the next few days? In that case, I would tick the box marked "joined-up government". However, if he does not provide funding—approximately £650,000—immediately, this side of the recess, the project will be put in jeopardy. It is a flagship project—culturally, through its co-location with the Royal Opera House project, and in its relation to the Thames Gateway project and the projects for the Olympic games. I want to know whether we will get our money so that the design and the work can commence soon. I need to know that before we go into recess. Answer now.

Kevin Brennan: My hon. Friend has made his point with his characteristic command of the colloquial and plain-speaking, so perhaps I can put it this way: I'm on it.

Mr. John Hayes (South Holland and The Deepings) (Con): Perhaps the Minister's honesty will continue in his answer to my question. He will know that creative and cultural skills are vital for our economy. The UK has the largest cultural sector in the world in terms of proportion of GDP, employing 1 million people. However, a recent report by Tom Bewick, the director general of the sector skills council, says that there are more than a

"hundred employers queuing up to take part"

in new creative and cultural apprenticeships,

"but they cannot currently do so because government is failing to actively engage".

In revealing precisely how few businesses in the sector receive funding, will the Minister scotch the rumour that the Government intend to transfer powers from sectors to regions?

Kevin Brennan: Well, yes. Obviously, the creative sector is an extremely important and growing part of the economy. We recognise its critical importance, and I recognise the importance of the capital bid that my hon. Friend the Member for Thurrock (Andrew Mackinlay) featured in his question. We are committed to the sector and to providing support to national skills academies.

Steel Industry

7. **Jessica Morden** (Newport, East) (Lab): What recent discussions he has had with representatives of the steel industry on its future prospects. [287055]

The Minister for Business, Innovation and Skills (Mr. Pat McFadden): We have had regular discussions with steel industry representatives in recent weeks. I have spoken on several occasions with Mr. Kirby Adams, the chief executive of Corus, and Mr. Michael Leahy of the trade union Community about the future of the industry in the UK. The Prime Minister will be meeting representatives of Corus later today.

Jessica Morden: The announcement last week of further job losses at Corus in Llanwern, coming on top of the 500-plus job losses already announced earlier this year, is more bad news for Welsh steelmakers and their families. Can the Minister reassure me and my constituents that progress is being made on the crucial issues of stimulating demand, energy prices and more money for training?

Mr. McFadden: In my discussions with the company, Corus has said that demand is the critical issue. Global demand for steel has fallen sharply, and the United Kingdom is not exempt from that. At the moment, Corus has the capacity to produce around 3 tonnes of steel for every tonne that it sells in the UK market. That is why it is critical that we maintain both the capital expenditure programme, in construction for example, which uses half the steel that Corus produces, and the car scrappage scheme, which has helped to boost automotive sales, and that we resist the pressure for public expenditure cuts, as advanced by the Opposition, which would hit demand and threaten steel jobs even further.

Sir Nicholas Winterton (Macclesfield) (Con): In supporting the hon. Member for Newport, East (Jessica Morden), may I ask the Minister to go a little further? Steel is an essential part of the UK manufacturing sector. He has talked about bringing forward construction projects, but could he be more specific? Major civil engineering projects could take up quite a lot of the product of Corus, so could he give us any indication of the sort of projects that the Government are genuinely bringing forward at this time?

Mr. McFadden: Just last week we announced more social housing, which will help to stimulate demand in the construction sector and increase demand for steel. My advice to the hon. Gentleman would be to speak to his Front-Bench colleagues, because I very much agree with the sentiments of Mr. David Blanchflower of the Monetary Policy Committee, who has said:

> "If you want to transform a recession into a depression, go ahead and cut public spending. I would advise against it... Voters want jobs."

I heartily agree.

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): In congratulating my hon. Friend the Member for Newport, East (Jessica Morden), let me say that her campaign goes well beyond Wales, vital though that is. In my county of Lanarkshire we have men and women with the skills and potential to do still more, but we would like to know what Corus's strategy really is.

Mr. McFadden: I believe that Corus values its work force, and that it is doing its best to maintain capacity in a very difficult trading situation. As I have said, it has the capacity to produce roughly 3 tonnes of steel for every 1 tonne that it is able to sell at the moment. In those circumstances, it is also working with the Government on extra training help for the work force, and we have offered £5 million of help for that training effort in order to work with the company to help maintain its work force through this difficult period.

Graduate Job Prospects

8. **Lynda Waltho** (Stourbridge) (Lab): What steps he is taking to assist students graduating in the summer of 2009 to find employment. [287056]

The Minister for Higher Education and Intellectual Property (Mr. David Lammy): These are undoubtedly tough times for graduates, but we should not forget that a degree remains a strong investment. Businesses are continuing to recruit through the downturn, and the Government are obviously committed to helping graduates. Working with employers and universities, we are boosting the number of internships and offering more loans to support further studies, so graduates should remain positive in difficult times.

Lynda Waltho: Recently, there was an announcement of 1,000 new jobs, training places and internships in the west midlands, and young people, their parents and their lecturers in my constituency and in the wider west midlands certainly welcome that. In Dudley, however, we are already suffering the effects of a botched school closure programme and a failure to take up Building Schools for the Future. What future does my hon. Friend foresee for the young people in my constituency if they are to suffer possible cuts alongside that idiosyncratic education policy?

Mr. Lammy: I know that my hon. Friend is a keen advocate for the young people in her constituency, and I am very pleased that internships are coming up in the west midlands for them. It is important to get that regional spread. She will be aware of the September guarantee to ensure that young people in her constituency are offered training or guaranteed a job, should they face unemployment. The Government are doing all they can, working across the Departments, to support young people, because we do not want to see a lost generation, as we saw in previous downturns.

Stephen Williams (Bristol, West) (LD): Graduation parties taking place around the country at the moment are not the joyful occasions that some of us might remember, as graduates discuss their miserable job prospects. Yesterday, we heard the announcement of the Government's aspirations for green jobs and a greener economy, but we cannot meet our 2020 climate change targets without investment in skills—particularly in our engineering base—or without innovation. Would now not be a good time to ensure that all new graduates in physics and maths have a good chance of getting on to a research programme? At the moment, two thirds of such applications are turned down.

Mr. Lammy: That is why we are supporting the innovation fund, which the Minister for Science and Innovation, my noble Friend Lord Drayson, brought forward. That is also why we made the announcements yesterday on low-carbon jobs. And that is why we have established knowledge transfer partnerships to support young people, particularly those doing post-doctorate studies, working with businesses, often in low-carbon areas. All of this is going on because we have balanced and managed funding for higher education, which is something that the Liberal Democrats have yet to commit to.

Mr. David Willetts (Havant) (Con): Many proud parents will be attending their children's graduation ceremonies this week; indeed, I am one of them. I can report to the Minister that there is a lot of concern about the job prospects for graduates. Why does not he back the proposal that we have put forward to ensure that there are more opportunities for young graduates to go on to do taught masters courses at university? We have identified specific savings this year to make that opportunity available for 25,000 graduates. Is that not far better than his tiny internship scheme, which does nothing to match the scale of the problem, when one in five young people are now unemployed?

Mr. Lammy: I congratulate the hon. Gentleman; this must be a wonderful time for his family. May I also remind him that we have seen a massive increase in masters courses and other postgraduate study over the past 13 years? The figures are up, not by 30 per cent. or 60 per cent., but by 90 per cent., and 450,000 young people are now in postgraduate study, 350,000 of whom are studying STEM—science, technology, engineering and mathematics—subjects. The Opposition's proposal is a little bit too late.

Overseas Students

10. **Mr. Charles Kennedy** (Ross, Skye and Lochaber) (LD): What his latest estimate is of the number of overseas students in universities; and if he will make a statement. [287059]

The Minister for Higher Education and Intellectual Property (Mr. David Lammy): According to the Higher Education Statistics Agency, in total, there were 112,150 non-UK EU students and 229,640 from elsewhere studying in UK higher education institutions in 2007-08.

Mr. Kennedy: Thank you, Mr. Speaker. Gosh, we have reached question 10 and it is only just 11 o'clock!

Given the additional administrative and legal requirements that the Government have placed on all universities for the handling of visa requirements for overseas students, does the Minister recognise that there is additional complexity and inconsistency in the way in which these applications are handled in the various home countries? There is also the length of the appeal process to consider and the fact that if a foreign student studying at a university in Britain has to apply for an extension, they now have to go via the UK Border Agency at an average individual cost of £357. Does not all that cut against the university policy encouraged by the Government to win more overseas students to the UK generally?

Mr. Lammy: The hon. Gentleman is right that there has been concern in the higher education sector about the new points-based system. We have worked consistently, particularly with Universities UK, to address those concerns. I am pleased that application rates are now equivalent to last year's levels and that the number of refusals has come down. There will be a meeting next week on 20 July between university vice-chancellors and the UK Border Agency to address any outstanding concerns, but there have been regular discussions and progress is being made as we make this transition.

Economic Downturn

12. **Tom Levitt** (High Peak) (Lab): What assessment he has made of the role of higher education in assisting individuals and businesses during the economic downturn. [287062]

The Minister for Higher Education and Intellectual Property (Mr. David Lammy): Universities play an important role in helping businesses and individuals through the downturn, but also in securing our future success in a knowledge-driven economy. The Higher Education Funding Council for England has a £60 million economic challenge fund, which is expected to help 11,000 business and 50,000 individuals through a range of activities.

Tom Levitt: I am grateful for that reply and I am sure that my right hon. Friend would wish to pay tribute to the university of Derby at Buxton, which is co-ordinating work with nine major companies in the food industry to promote and co-ordinate apprenticeships and the upskilling of the work force. Will he recommend that regional Ministers throughout the country follow the example of the east midlands in taking the university sector on board as members of the regional economic cabinet?

Mr. Lammy: My hon. Friend is right. I was pleased that universities acted so swiftly to ensure that they were plugged in and engaged with businesses regionally. It is right to say that the university of Derby has provided an excellent example. As well as the project to which my hon. Friend referred, there is the economic challenge fund bid, which is £2.27 million worth of support for the unemployed in the area, working with industry and business. The university of Derby's corporate project is also about engaging with highly skilled people in the area. I congratulate the university, and I also congratulate the sector on what it is doing to support businesses in a difficult time.

Further Education Colleges

13. **Mr. Adrian Sanders** (Torbay) (LD): If he will bring forward proposals to increase capital funding for further education colleges. [287063]

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): The Government have already made a substantial commitment to extra funding for capital investment in further education colleges in the Budget. We will be spending over £300 million more in the next two years, taking total planned spending to £1.2 billion.

Mr. Sanders: The recent announcement of funding for FE colleges did not include a single college in the south-west region. Will the Government make available the papers that show the decision-making process here, so that people can see that the entire process was transparent and that there was no political agenda behind the choice of colleges to receive funding?

Kevin Brennan: A robust and thorough assessment by independent consultants took place, and the chief executive of the Learning and Skills Council has already committed to give the colleges their individual scores under the

system, and to publish them in full in the near future. The process will be open and transparent, as recommended by the Foster review.

Hugh Bayley (City of York) (Lab): Last week, I visited the brand new York further education college once again. It draws students from my constituency and neighbouring Liberal Democrat and Tory constituencies. It was made possible by capital from the Government, and is a fantastic £60 million new college. Will the Government continue to fund the building of new colleges so that young people and adults in other towns and cities in the country get the benefits seen in York, and that building workers get jobs during the downturn?

Kevin Brennan: Yes, we will continue to do that. We have a forward programme, and so far, since 2001, 700 projects have been built and nearly 330 colleges funded under the scheme. That has transformed the further education estate for learners. How do we judge a party on such an issue? We judge it on what it does and what it says it will do. The Conservative party did nothing when it was in power, spent nothing on FE capital in its last year in power, and has no plans for the future either.

Mrs. Maria Miller (Basingstoke) (Con): Basingstoke college of technology has already spent £1 million on developing plans for future expansion. Basingstoke is, as designated by the Government, one of the most important employment areas in the country, and is part of the country's future economic growth. Will the Minister reassure me that such important strategic investments will get the priority that they deserve, because that has not always been indicated in the past?

Kevin Brennan: In the autumn, the Learning and Skills Council will consult colleges on the future capital programme, and a strategic approach will be taken based on priorities—learning priorities and so on. I assure her that the process will be fair, transparent, thorough and objective.

Vehicle Scrappage Scheme

14. **Mr. Colin Breed** (South-East Cornwall) (LD): How much funding has been disbursed under the vehicle scrappage scheme to date. [287064]

The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Ian Lucas): More than 110,800 orders for new vehicles have been placed since the scrappage scheme was announced in the Budget. July vehicle registration figures are not published yet, so I cannot give an exact answer. However, industry has indicated that total sales in June were 15 per cent. higher than forecast. To date, £15,080,000 has been paid out, and a further £14.5 million-worth of claims from manufacturers are being processed for payment.

Mr. Breed: I thank the Minister for that response. May I also draw his attention to a slight discrepancy in the rules regarding cars that were first registered in Northern Ireland on or before 31 August 1999? My constituents, Andrew and Rachael Budd, found that although Ford, Renault and Citroen would gladly scrap their vehicle, Vauxhall and Peugeot said that they would not. Therefore, there are different interpretations of the rules. Will the Minister assure the House that cars first registered in Northern Ireland are covered by the scheme?

Ian Lucas: I am extremely grateful to the hon. Gentleman for drawing my attention to that individual case. I will certainly look into the matter and try to take it forward. There have been glitches in the scheme, which the Department and officials working with me have been anxious to address. I am grateful to Members of Parliament for bringing individual cases to my attention, and I urge them to do so again.

Alistair Burt (North-East Bedfordshire) (Con): Here is another case for the Minister. One of my constituents has had a car in her family for many years, but sadly, her husband, in whose name the car was registered, died a few months ago, and it appeared that the car was now outside the rules. I e-mailed an urgent inquiry to the Minister's Department on 5 June, and followed it up on 23 June and 2 July. It is now 16 July, and there has been no answer on a clearly sensitive issue. I would be grateful if this was one of the glitches he ironed out.

Ian Lucas: I am most grateful to the hon. Gentleman. I am surprised that he has not received an answer, because the circumstance to whi[illegible]rs is one that we have worked to address, and we [illegible] that we have found a solution to the problem. I will come back to him immediately after questions.

Automotive Assistance Programme

16. **Mr. Richard Spring** (West Suffolk) (Con): What progress has been made on the automotive assistance programme. [287067]

The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Ian Lucas): This is well worth waiting for, Mr. Speaker.

I refer the hon. Member to the earlier answer.

Mr. Spring: Well, Mr. Speaker, it certainly was well worth waiting for.

Have any specific discussions been undertaken with Nissan, and, if so, have any assurances been given about jobs located in the United Kingdom?

Ian Lucas: I regret to say that the discussions taking place with individual car companies are subject to commercial confidentiality. However, we are having active discussions with many car companies. In particular, we are investigating the development of green technologies, and discussing, in the context of the automotive assistance package, the impressive way in which car companies—including Nissan—are developing, for example, electronic vehicles. We hope that announcements can be made about the sector very shortly.

Small and Medium-sized Enterprises

20. **Mr. Desmond Swayne** (New Forest, West) (Con): What recent progress his Department has made in securing greater access to finance for small and medium-sized enterprises. [287071]

The Parliamentary Under-Secretary of State for Business, Innovation and Skills (Ian Lucas): The Government continue to ensure that small and medium-sized businesses have access to the finance that they require. Since January we have secured lending commitment agreements with

banks, introduced the enterprise finance guarantee—which to date has received over £0.5 billion of eligible applications—and, recently, launched the innovation fund as part of the Government's strategy for ensuring the UK's future economic success.

Mr. Swayne: The small firms loan guarantee scheme and the enterprise finance guarantee scheme have produced less than half the target amount of lending. Meanwhile, firms in my constituency with good order books and good prospects are still screaming for credit. What are Ministers going to do about it?

Ian Lucas: What the Government are anxious to do is use public finance to help to guarantee the funds that are available from banks. That is a very positive and innovative approach. The hon. Gentleman must answer this question: where would the money come from under a Tory Government?

Mr. Peter Bone (Wellingborough) (Con): It has nothing to do with the next Tory Government, and everything to do with this Government. They have nationalised the banks—billions of pounds of taxpayers' money have been put in—but small businesses in my constituency are going bust because the banks are not lending to them. What are the Government going to do about it?

Ian Lucas: I have described the active steps that the Government have already taken. I am a constituency Member of Parliament too, and I speak regularly to businesses in my constituency. These issues have been raised, and businesses are well aware that the Government have taken action. However, we will act when individual cases are raised. We will support industry and business, and we know that other parties would not.

Mr. Russell Brown (Dumfries and Galloway) (Lab): I fully recognise that my hon. Friend and other Ministers are doing the best they can, but there are still significant difficulties out there with some of the main banks. Are my hon. Friend and his colleagues making it abundantly clear to Treasury Ministers and officials that small and medium-sized enterprises are, regrettably, still suffering at the hands of the major banks?

Ian Lucas: We all recognise that we are experiencing extremely difficult economic circumstances at present. We are working in the Department to assist small businesses, and of course we liaise closely with the Treasury in discussing the steps that need to be taken to enable us to improve the service that we are giving as much as we possibly can.

Mr. Jonathan Djanogly (Huntingdon) (Con): I suggest that the Government have not been doing all that they can. Is it not the case that the French and Germans had been facilitating credit for their companies months before we got around to it? Is this not too little, too late?

Ian Lucas: I am beguiled by the conversion of the Conservative party to adoration of what is happening across the channel. It seems that the right hon. and learned Member for Rushcliffe (Mr. Clarke) is having rather more influence than I thought.

We are taking action. Great progress has been made in the way in which we are delivering support for business. We will continue to do so—and Conservative Members have still not told me where they would find the money to pay for these programmes under a programme of cuts.

Greg Mulholland (Leeds, North-West) (LD): Pubs are, of course, small businesses, and evidence from pubs around the country shows that they in particular are not receiving assistance and credit from banks. Will the Minister agree to look into that, and meet a delegation from the save the pub group to discuss this important issue?

Ian Lucas: Mr. Phil Liddell of the Peal O' Bells pub in Holt in my constituency has been very active in trying to draw attention to the difficulties of pubs in the locality. Before I was a Minister, I attended the hon. Gentleman's event on licensing so I am very well aware of the difficulties in the industry. The particular area he raises is not in my remit, but I will speak to my ministerial colleagues concerning this matter and they will get back to him.

Topical Questions

T1. [287073] **Mr. Desmond Swayne** (New Forest, West) (Con): If he will make a statement on his departmental responsibilities.

The Minister for Business, Innovation and Skills (Mr. Pat McFadden): Our Department is focused on creating the conditions for business success, promoting enterprise, innovation and science and making sure people have the skills and opportunities to succeed. To that end, this week we have published the life sciences strategy and, together with our colleagues in the Department of Energy and Climate Change, the low carbon industrial strategy. That is because we take the view that the Government have an active role to play in helping Britain make the most of the changes we will need in how we transport ourselves, how we build and heat our homes, and how we produce our energy for the future.

Mr. Swayne: And another thing: why is it that someone who is languishing on jobseeker's allowance has to wait six months before they can retrain? Why can they not start retraining straight away—and perhaps be retrained in some of the skills for the wonderful strategy the Minister has just described?

Mr. McFadden: The focus for those who are unemployed for a short time is to help get them back into work as soon as possible. That is why it makes sense to give the extra help for retraining for those who have been out of work for that bit longer. I have to say to the hon. Gentleman that if he thinks there should be more expenditure on helping the unemployed, perhaps he should resist his own party's plans to cut public expenditure now in the middle of a recession.

T6. [287080] **John Robertson** (Glasgow, North-West) (Lab): The "Digital Britain" report recommends putting a levy of 50p on all copper lines. Is it fair to ask particularly the people of Glasgow and my constituency where 70 per cent. do not take up broadband to pay that 50p levy? I think the Minister

will have to agree that that is totally unfair. Would it not be fairer to get broadband users to pay that extra levy?

Mr. McFadden: The "Digital Britain" strategy published a few weeks ago is a very good example of the active role we take in helping to shape the economic future of the country and making sure that opportunities in it are maximised. The report said that those on low-income tariffs would not have to pay the levy mentioned, so it is not universal regardless of income; instead, it is a measure that would step in where the market would not to make sure the opportunities presented by next generation broadband are not just enjoyed by those two thirds of the population or so that the market would provide for, but are enjoyed throughout the country.

Mr. Kenneth Clarke (Rushcliffe) (Con): Has the Minister of State noticed that Royal Mail is losing business at a rate of about 10 per cent. annually, that it faces a pension deficit that will probably be valued at £10 billion, which it is unlikely to be able to fund, and that it now faces strike action? The Government have suspended all progress on a Bill that we were supporting, and which the Minister said was urgently necessary to secure the future of Royal Mail. Is the Government's policy one of benign neglect, or is he simply doing nothing?

Mr. McFadden: As the Secretary of State announced in the other place a couple of weeks ago, the market conditions have not been conducive to getting the best value for the taxpayer from the partial sale we have proposed. Where I agree with the right hon. and learned Gentleman is that that does not mean that Royal Mail does not face significant problems and challenges. It is important that the company gets on with its plans for modernisation, and that the union, which has said it is up for change, shows that that means something in practice—and I have to say that continued strikes and industrial action within Royal Mail will do nothing in the end to help it on the necessary road to modernisation, which is absolutely essential for the future of the universal service.

T8. [287082] **Jessica Morden** (Newport, East) (Lab): The consumer White Paper has just been published, so will the Minister take a look at credit reference agencies, such as Equifax and Experian, to see what more can be done with this industry to make the reports that such agencies provide to consumers more accessible and easy to interpret?

The Minister for Further Education, Skills, Apprenticeships and Consumer Affairs (Kevin Brennan): Yes, and I thank my hon. Friend for her welcome for the consumer White Paper. The Government want to ensure that all consumers have access to the right tools to help them understand credit reference files better. Of course, people can request a paper copy of their credit reference—that will cost them two quid, so it is not that expensive. We will work with the industry to look at improving people's access to and understanding of their file, including whether it can be made available online.

T2. [287075] **Sandra Gidley** (Romsey) (LD): Could the Minister explain why hard-pressed graduates in Southampton and the rest of the country have to pay 4.8 per cent. interest on their student loans, given that we now have a deflationary economy?

The Minister for Higher Education and Intellectual Property (Mr. David Lammy): As I have explained before, the rate on income-contingent loans is based on the retail prices index over the year period. We examined this closely, finding that the loan rate is still one of the cheapest loan products available in the developed world.

Mr. Denis MacShane (Rotherham) (Lab): At the close of business today, I shall present a petition on the steel industry. It has been signed by about 5,000 of my constituents and others, and was assembled in a matter of just eight or nine days. I welcome the announcement made by the Minister for Business, Innovation and Skills that the Prime Minister is meeting Corus this afternoon—Lord Mandelson is, of course, coming to the steel industry in Yorkshire tomorrow. On a very narrow point, before the Prime Minister meets Corus and before Lord Mandelson comes up north tomorrow can the Minister for Business, Innovation and Skills examine credit risk insurance? It has been put to me that that is one of the issues to address. Providing such insurance does not cost the Government a lot of money and it is something that they can do. Taking such an approach would send a powerful signal that our Front-Bench team is on the steel industry's side.

Mr. McFadden: I know that my right hon. Friend has been campaigning hard for the Corus workers in his constituency. As he said, the Secretary of State is to visit Rotherham tomorrow. We appreciate that credit insurance has been an issue, not only in the steel industry, but in other sectors of the economy. That is why we put a credit insurance scheme in place and recently announced that we would backdate the help available under it.

T3. [287076] **Mr. Philip Hollobone** (Kettering) (Con): Those businesses that survive the recession face a 0.5 per cent. increase in employers' national insurance contributions in 2011, at an additional cost of some £2.7 billion. Given that the subscription payments we make to the EU are set to more than double to £6.5 billion by 2011, would it not make sense to save that money and offset the unnecessary rise in the tax on jobs?

Mr. McFadden: I see that the Conservative party is now free from whatever influence the mainstream centre-right in the European People's party had on it and is giving full rein to the instincts that would see us look away from the European Union. I remind the hon. Gentleman that 3 million British jobs are dependent on trade with the European Union, and I do not think that his proposal would advance the interests of those people or of the UK economy.

Mr. Jim Devine (Livingston) (Lab): When we come back in October, it will be three years since the collapse of the Farepak Christmas savings scheme. The directors who ripped off tens of thousands of decent, hard-working families have never appeared in a civil court or a criminal court. Will the Minister, through his Department, organise a meeting with concerned MPs from both sides of the House and the liquidators?

Kevin Brennan: Yes, I would be happy to have that meeting. The report on this was completed in May 2008. It is long and detailed, and counsel has been

considering it and its supporting information. If any proceedings are initiated as a result of the report, they obviously have to remain confidential until they reach court.

T4. [287077] **Peter Luff** (Mid-Worcestershire) (Con): May I commend to Ministers and to the House two excellent reports that the Select Committee on Business and Enterprise published recently on pubs and on post offices? If Ministers were to embrace warmly the constructive proposals in both, they would do a great deal to safeguard the vital services on which many deprived, vulnerable and isolated communities depend.

Mr. McFadden: I am always happy to pay warm tribute to the work of the Business and Enterprise Committee, chaired so ably by the hon. Gentleman. The report on post offices was something that the Government and the Committee worked on together. It is a good and constructive report, and I assure him that it will be considered positively.

Hugh Bayley (City of York) (Lab): I feel especially well disposed to the Department today. Tomorrow I will open a new packing plant at the Nestlé factory in York that will provide an additional 100 jobs initially and 200 in the longer term. It received support from the Government's enterprise finance guarantee scheme for a smaller company, IPS First, which is the co-packer. The new plant will reduce carbon emissions, because the Nestlé factory will no longer have to truck its Kit-Kats, Aeros and Polos to west Yorkshire for packing. I went to see—

Mr. Speaker: Order. May we have a question, in a sentence?

Hugh Bayley: In a sentence, the Secretary of State—I went to see him about this—moved like lightning to get the money through and I would like my thanks to be passed to him.

Mr. McFadden: The Secretary of State is always a speedy mover, and I will pass my hon. Friend's thanks to him. The story shows the advantages that this Labour Government are clearly having for the people of York.

T5. [287078] **Mr. Alistair Carmichael** (Orkney and Shetland) (LD): May I encourage the Minister to respond to the Business and Enterprise Committee report not just positively, but swiftly? Having recently worked with the local community in Hillswick in the north of Shetland to obtain an outreach post office in the local shop, I can confirm that the suggestions in the report would make an enormous difference not just to the profitability of the post office, but to the shop as well.

Mr. McFadden: Outreach post offices can be very successful, especially for small rural communities, such as the many in the hon. Gentleman's constituency. In some ways, we have already responded to the need: for example, my colleagues at the Department for Transport were able to announce a new contract with post offices for the renewal of driving licences. That comes on top of the decision taken some months ago to renew the Post Office card account. So already the Government are putting more work the way of post offices.

David Taylor (North-West Leicestershire) (Lab/Co-op): The Opposition parties fought tooth and nail in overnight sittings to prevent one of our finest achievements—the national minimum wage. However, far too many of the recipients of that national minimum wage rely on gratuities to top their incomes up to that level. Will my right hon. Friend consider tabling appropriate amendments to the legislation at some stage, and can he publish some research on the numbers of people in that category?

Mr. McFadden: We have already published a consultation on the number of people in that category, and I am pleased to inform my hon. Friend and the House that regulations to prohibit the use of tips, gratuities and service charges to make up the minimum wage were passed some weeks ago. That change was overdue, and I have been committed to it since I came into this job. It is good news for service workers throughout the country.

Mr. David Heath (Somerton and Frome) (LD): My heart was warmed by the glowing account by the hon. Member for City of York (Hugh Bayley) of the building of colleges in his constituency. May I ask a simple question about the college in my constituency? Frome community college is waiting for a response from the Learning and Skills Council about the building project to replace its tertiary blocks that it plans in conjunction with the LSC, which is already more than matched by local authority funding. That project will fail unless the LSC answers by 28 August. Is it asking too much for a positive response from the LSC for that modest building programme?

Kevin Brennan: I will certainly look into the individual case of Frome community college, but an announcement was made on 26 June about the future of the further education capital scheme, which set out, thoroughly and rigorously, the projects that would be going forward in the next spending round. I undertake to look into the hon. Gentleman's case, but we need investment to proceed with these college building projects—I hope Opposition parties will commit to that investment.

T7. [287081] **Mr. Peter Bone** (Wellingborough) (Con): My question follows the excellent one from my hon. Friend the Member for Kettering (Mr. Hollobone), which the Minister totally failed to answer. In Wellingborough today there are 3,276 people unemployed, compared with 1,712 in 1997. That is an increase of 91 per cent. I do not want that figure to go any higher, so will the Minister answer my hon. Friend's question? Will he freeze our contributions to the EU, and scrap the increase in the job tax?

Mr. McFadden: The Government have every sympathy for people who have lost their jobs as a result of the recession, and we are trying to do everything that we can for them. We know that there are many such people, in the hon. Gentleman's constituency and around the country. Yes, unemployment has gone up, but I remind him that when the right hon. and learned Member for Rushcliffe (Mr. Clarke) was Chancellor unemployment was running at 10 per cent., with 3 million people out of work. The position was a great deal more difficult than the one that we face today.

Business of the House

11.30 am

Alan Duncan (Rutland and Melton) (Con): May I invite the Leader of the House to give us the forthcoming parliamentary business?

The Leader of the House of Commons (Ms Harriet Harman): The business for next week will be as follows:

MONDAY 20 JULY—Second Reading of the Child Poverty Bill, followed by, if necessary, consideration of Lords amendments.

TUESDAY 21 JULY—If necessary, consideration of Lords amendments, followed by motion on the summer recess Adjournment, followed by, if necessary, consideration of Lords amendments.

The House will not adjourn until the Speaker has signified Royal Assent.

The business for the week commencing 12 October will include:

MONDAY 12 OCTOBER—Remaining stages of the Health Bill [*Lords*].

TUESDAY 13 OCTOBER—Remaining stages of the Local Democracy, Economic Development and Construction Bill [*Lords*].

WEDNESDAY 14 OCTOBER—Opposition day [17th Allotted Day]. There will be a debate on an Opposition motion, subject to be announced.

THURSDAY 15 OCTOBER—General debate on defence policy.

FRIDAY 16 OCTOBER—Private Members' Bills.

The provisional business for the week commencing 19 October will include:

MONDAY 19 OCTOBER—Opposition day [18th Allotted Day]. There will be a debate on an Opposition motion, subject to be announced.

TUESDAY 20 OCTOBER—Second Reading of a Bill.

WEDNESDAY 21 OCTOBER—Opposition day [19th Allotted Day]. There will be a debate on a Liberal Democrat motion, subject to be announced.

THURSDAY 22 OCTOBER—Topical debate, subject to be announced, followed by motion to take note of the outstanding reports of the Public Accounts Committee to which the Government have replied. Details will be given in the *Official Report*.

[The details are as follows: The 1st to the 6th, the 8th to the 11th, the 13th to the 23rd and the 31st Reports of the Public Accounts Committee of Session 2008-09, and the Treasury Minutes on these reports (Cm 7568, 7622 and 7636)]

I should also like to inform the House that the business in Westminster Hall for 15 October will be:

THURSDAY 15 OCTOBER—A debate on Sure Start progression.

It will also assist the House to confirm that the state opening of Parliament will be on Wednesday 18 November.

Finally, I should like to thank all of the staff of the House for their hard work and commitment since the start of this Session last December.

Alan Duncan: I thank the right hon. and learned Lady for giving us the business of the House. Perhaps she can tell us at what time the House will meet on Tuesday, as it often meets earlier than normal on the last day.

First, will the Leader of the House explain why such an absurd number of written ministerial statements have been published today? There are no fewer than 53 on today's Order Paper, which means that we have had 90 published this week. Does she agree that we have the right to accuse her of rather taking the mickey? We know full well that the whole process is designed to dump everything on us at the last minute before the recess and so forestall Members' ability to hold the Government to account.

One of today's statements is from the Communities Secretary outlining the Government's flawed and highly unpopular plans on eco-towns. Will the Leader of the House make time available for a full debate on the proposals as soon as the House returns? I can tell her and the House that a delegation from Leicestershire is even now delivering a petition to Downing street with the signatures of 15,000 local people who have registered their implacable opposition to the development of Pennbury eco-town. We are relieved that the Co-op scheme to desecrate green fields will not be on the shortlist, but does she appreciate the depth of anger about the proposals over the past few months?

I note that amidst all these written statements, there is not one on Equitable Life. Last week, the right hon. and learned Lady once again ducked my question about whether we will have a full oral statement, before we rise, on how the Government intend to compensate policyholders. Given that the policyholders have been waiting nine long years for the Government to act on their plight, does she accept that it would be a total insult to them if there were not a full, oral update in this Chamber? Will she confirm that that will definitely happen?

Does the right hon. and learned Lady intend to abide by the spirit of Mr. Speaker's statement on 2 July that Ministers should

"ensure that the backlog of written questions that remain unanswered is cleared before the recess"?—[*Official Report*, 2 July 2009; Vol. 495, c. 496.]

Does she not agree that it would be completely unacceptable for the Government to pump out a whole raft of new announcements before the recess without properly responding to the scrutiny by Members of previous announcements? Will she guarantee that those questions will be answered?

The right hon. and learned Lady will know that I wrote to her, and all members of the House of Commons Commission, to ask whether we might introduce a new system during the recess of having what has been described as a "virtual statement" from a Minister. The swine flu outbreak is bound to require further comment over the summer. Might we allow the Secretary of State to make a formal statement online and then allow the Opposition to ask questions that are then given a formal response? That could be a very simple and sensible innovation that allows formal scrutiny without the excessive mechanism of recalling Parliament.

May we also have a debate on how the Government intend to pay for their scheme to "build Britain's future", as they call it? Last month, the Prime Minister published

his grand national plan, but unlike any other major announcement on Government policy, there has been no parallel publication of an impact assessment. Will the right hon. and learned Lady confirm when it will be published, or is it simply that the whole of the Prime Minister's so-called future plan is completely uncosted?

The Leader of the House has always been a champion of greater equality, so may I take this opportunity to welcome her reappointment of Sir Treasure—I mean, Sir Trevor Phillips, although "treasure" is perhaps a better description—in his post for a second term as chair of the Equality and Human Rights Commission? However, this week it was briefed from her office that she wants to bring more northerners on to the boards of Government quangos and to break the monopoly of southern, white men. Given her wish to be an equalities role model, that puts her in a slightly difficult situation: she benefited from a private education, she hails from the aristocracy and she is a product of the south. It is a great relief, however, that at least she is a woman—and a champion one at that.

Mr. Speaker, I wish you, the right hon. and learned Lady, all hon. Members and the staff who serve us a restful and revitalising summer break.

Ms Harman: I can tell the House that on Tuesday we will commence our business at the normal time [Hon. Members: "When?"] We will not sit earlier than normal, because one item of business is the consideration of Lords amendments, and we have to give time for their lordships to have their deliberations before the legislation, as amended by them, comes back to this House. That is why, unlike what usually happens on the last day before the House rises, we will sit at the normal time.

In relation to written ministerial statements, obviously it would be better if they could be spread more evenly, but there is something about the summer recess that concentrates Departments' minds to ensure that, if they have material that they have to make accountable to the House, they do it before the House rises. If they have put out some ministerial statements today—rather than doing it on the last day—that is some time before the House rises, which is important.

The hon. Gentleman asked about eco-towns. We remain strongly committed to the fact that we need more housing for people in this country and high ecological standards for those new homes. We have had many debates in the House about eco-towns. Ministers have remained fully accountable to the House for the policy, and for the individual announcements made. I am disappointed that the Opposition do not welcome the extra eco-homes that will be in those eco-towns.

The hon. Gentleman asked about Equitable Life; he will know that at Treasury questions earlier this week, there was extensive discussion about it. I would like to emphasise that the ombudsperson, in her report, looked at the generality of the situation, and drew conclusions about the principles of the approach. Sir John Chadwick is taking the matter forward, looking at which individuals have suffered from action for which there is culpability, and which have suffered an injustice. He will have to set up a system of paying money to individuals.

There are nearly a million policyholders, many of whom have lost out, and given that public money is about to be expended, it is important to look at setting up a framework for doing so. Information on who the policyholders are, what their policies were, when they took them out, and whether individuals made any changes to their policies has been forwarded to Sir John Chadwick's actuarial advisers, Towers Perrin, which is going through that information. Hon. Members, as well as everybody else, have been asked to make their views known to Sir John by this Friday, and he will produce an interim report in August. If we were tipping money out without a proper framework, the Opposition would rightly object and ask us what we were doing. There will be a statement, and there have already been oral questions on the subject.

The hon. Gentleman asked about the backlog of written answers. I look at the issue regularly, but I did so particularly in response to the points raised on the subject by hon. Members at the last business questions. I looked particularly at the Treasury backlog of questions and letters. There is an 80 per cent. standard for responding to correspondence within 15 days, and in the last 12-month period that was reported on, that standard was adhered to. Since then, because of the economic crisis, there has been a doubling of the number of questions and letters, and there needs to be a commensurate response. It has taken a while for that response to be forthcoming. In defence of the Treasury, there has been a doubling of questions and letters, but in defence of the right of the House to hold the Treasury to account, we want to make sure that standards of timeliness do not slip, precisely because the issues are so important at this time.

The hon. Gentleman asked about accountability during the recess, and that, too, is a very important point. He identified the question of swine flu; hon. Members will want to be able to hold the Department of Health to account on how it is dealing with the issue. I also suggest that the issue of Afghanistan will remain of concern to hon. Members throughout the recess. On swine flu, Cobra will meet fortnightly throughout the recess. The Secretary of State for Health hopes to update the House before it rises for the recess, by way of an oral statement. He is considering how he will keep hon. Members informed during the recess. That will include all hon. Members getting a weekly update on figures in their constituency from the strategic health authority and/or primary care trust, so hon. Members will be given the figures as a matter of routine, without their needing to ask for them.

As I say, Cobra will meet every two weeks. If there are issues that need to be communicated to Members in particular areas, those concerned will make sure that they find additional ways of ensuring accountability, while, of course, recognising the particular interest of members of the Health Committee. The Secretary of State is considering how he can ensure that accountability does not suffer during the recess, and any new technology, such as telephone conferencing or the online activity that the shadow Leader of the House suggested, will be used. In fact, last summer, the Secretary of State for Environment, Food and Rural Affairs did exactly that and communicated with those hon. Members who represent areas that were flooded.

There will be a debate on Afghanistan and defence this afternoon, there was a statement this week, the Prime Minister answered oral questions yesterday, the Secretary of State for Defence answered oral questions

[Ms Harman]

on Monday, and there will be a debate during the week that we return from the recess. That leaves the question about the period over the summer, and, like the Secretary of State for Health, the Secretary of State for Defence is concerned that there should be specific arrangements, which he will communicate to the House, about how we will ensure that accountability does not slacken when the House rises.

I thank the shadow Leader of the House for welcoming the reappointment of Trevor Phillips as chair of the Equality and Human Rights Commission. I was slightly baffled by the hon. Gentleman's suggestion that I had said that there should be more northerners on quangos, not because it is not a good idea, but because I cannot remember ever having said it. However, I am sure that if he says that I said it, I must have done. I remember that there was lots of shouting about northerners during Prime Minister's questions yesterday. I wondered what it meant, and I think that I have worked it out: the problem is that there are not enough northerners on the Conservative Benches—and long may that remain.

Mr. David Heath (Somerton and Frome) (LD): The Leader of the House gave a commitment that there would be a statement on Equitable Life before the summer recess. Can she confirm that that will take place? Yes or no?

What should we make of the Government's commitment to cleaning up and reforming Parliament and our democratic system when it appears that the right hon. and learned Lady cannot provide one and a half hours to debate the setting up of the Select Committee on the reform of the House of Commons? The Political Parties and Elections Bill deals with essential matters concerning the conduct of elections and the funding of political parties, but there is no timetable for its return from the House of Lords, and if it does not receive Royal Assent, it will not be operable by the next general election. Mr. Speaker, you said earlier in the week that you did not do irony; I think that there is something deeply ironic about the fact that we cannot set up a Committee to organise the time of this House because the Government will not let us.

I have the honour of representing Royal Naval air station Yeovilton, where the Royal Naval helicopter squadrons and the commando helicopter force are based. There has been a great deal of concern from all parts of the House about the provision of helicopters for our armed forces. The report by the Select Committee on Defence is being published today, and the indications are that, in some respects, it will be extremely critical of helicopter provision. I note that we have a debate about defence on 15 October, but can we be absolutely sure that the Government will provide a full and comprehensive response to the Defence Committee's report, answering its points in detail and acting on its recommendations during the summer, so that we can be sure in turn that we are not putting our young men and women in the armed forces at risk?

Can we avoid my having to ask, when we return from the recess, for debates about either the so-called rain tax or the levy that was implicit in yesterday's Green Paper? On the rain tax, we have a holy alliance of bishops, scouts, test match cricketers and international rugby players, all saying that it is quite wrong to impose a levy on charities, community groups and sports clubs for surface water drainage. That issue needs to be sorted out this summer, and the Government must commit to doing so.

The Green Paper's implicit levy may impose up to £200 a year on people in rural areas who depend on domestic heating oil or liquid petroleum gas for their heating. Those people are most likely to pay the most to heat their houses and least likely to be able to afford it, and it cannot be right that the proposed social tariff includes no provision for them.

Finally, many Members, Officers of the House and those who work in the parliamentary estate will be going on their holidays shortly. Some will no doubt go abroad, and it will be recommended that they take up the European health insurance card, which provides for health service treatment in the rest of Europe. Mr. Speaker, if you apply for that online, the search engine will direct you to two sites: ehic.org, which sounds very official, and ehic.uk.com. One is organised by a company called Portcrest in Gosport and the other by Imap (UK) Ltd in Bolton. Each charges £9.95 for the European health insurance card application. However, if you go on the NHS or Department of Health site, the service is free.

To apply for the card, people will, in ignorance, go through the companies that come up first on the search engine, but those companies are charging nearly £10 for a public document that is free. May we have a written statement—I do not expect an oral one—from the Secretary of State for Health about the practice, giving clear guidance? I want everyone to have an enjoyable holiday, and I do not want them to be ripped off before they go.

Ms Harman: The hon. Gentleman asked about Equitable Life. I shall not repeat what I said in response to the shadow Leader of the House, except to say that there will be a written ministerial statement about Equitable Life before the House rises. Treasury Ministers answered questions from hon. Members about the issue at some length during Treasury questions only this week.

The hon. Gentleman took rather a gloomy view about the prospects of the Committee whose establishment we want the House to support and which will operate under the chairmanship of my hon. Friend the Member for Cannock Chase (Dr. Wright). It will consider opportunities for members of the public to place matters on the agenda of the House and bring them forward for debate. It will also consider whether we can make progress on how we appoint the Chairs and members of Select Committees and look at the important question of the allocation of both Government and non-Government business.

I urge the hon. Member for Somerton and Frome (Mr. Heath) to have faith and confidence that we are determined that the matter should be put before the House before it rises. We will seek an opportunity for such a debate; having made the proposal, we would like the House to have an opportunity to put it through. We have put the matter before the House on a number of occasions. There was all-party agreement and we sought to address the issues put forward in amendments when we first tabled the motion. We accepted all amendments, but that is still not good enough for some Members, who want a debate. Even when their amendments are

accepted, that is up to Members: they are perfectly entitled to insist on a debate, however annoying everybody else might find it.

We will therefore find time for that debate to take place before the House rises, because the Committee will have work to do during the summer. I detected a note of scepticism in the voice of the hon. Member for Somerton and Frome; I do not know whether it is just that he needs a holiday, but he sounded a bit irascible and unlike his normal, avuncular self. I reassure him that we intend to get there on this issue, and we will.

The hon. Gentleman asked about the Defence Committee's report. There will be a general debate this afternoon. As he will know, we originally scheduled the topic of climate change in advance of the Copenhagen conference for the general debate and had planned a shorter, topical debate on defence. However, because of the importance of that issue, particularly given our troops in Afghanistan, we have made defence the topic of the full, general debate this afternoon. Obviously, there can be an initial response to the Select Committee's report then, and there will be a further opportunity to respond to the Committee's report not only by action during the summer recess, but in the debate when we get back to the House in October.

The hon. Gentleman talked about water charges. The Deputy Leader of the House has reminded me that there was an all-party group meeting, which many hon. Members attended, including her.

Mr. Allen: And me.

Ms Harman: The hon. Gentleman did too. They will know that Ministers are working on the issue and that Ofwat guidance is coming next week.

The hon. Gentleman also asked about unfair charging for information that should be made freely and publicly available. I shall ask the Secretary of State for Health to write to him about that.

Several hon. Members rose—

Mr. Speaker: Order. Twenty-seven Members are seeking to catch my eye; as ever, I want to include as many as possible. Members will be conscious that there is very important business to follow. I therefore look to each right hon. or hon. Member to ask one brief supplementary question. I look to the Leader of the House for characteristically succinct replies.

Mark Fisher (Stoke-on-Trent, Central) (Lab): The Leader of the House has asked us to have confidence that she will schedule the debate, which so many Members on both sides of the House want, on the Committee to be chaired by my hon. Friend the Member for Cannock Chase (Dr. Wright). We do have confidence in her, of course, but it is extraordinary that she should announce the business for next week without having announced when that debate is to be scheduled. Does that not emphasise the need for a business committee that can organise these things?

Ms Harman: Even a business committee would have to deal with the eventuality that I have faced: finding that there is an objection even when something appeared to have consensus, and needing to find time for a debate in the short period before the House rises. Whatever arrangements result from the Committee's proposals, such a problem could happen. I certainly hope to deal with the issue before the House rises.

Mr. Bernard Jenkin (North Essex) (Con): I thank the right hon. and learned Lady for assuring us that the Committee on the reform of the House will be debated before the summer recess and will be established. That is important. May I draw her attention to one point that she made? There is a tendency for her and her counterparts on the Front Benches of the other two parties to feel that if something has been agreed between them, there is no need for it to be debated. There are far more Back Benchers than Front Benchers in the House, and that tendency underlines the need for a business committee to look into such issues and make sure that Back Benchers get our fair share of input. I disagree with the continued intervention of my hon. Friend the Member for Christchurch (Mr. Chope), blocking the motion, but it is his right to make it. I hope that we will debate the motion before the House rises.

Ms Harman: I have acknowledged that it is the right of the hon. Member for Christchurch (Mr. Chope) to make his intervention. We did not consult only Front Benchers; indeed, we had extensive consultation with Back Benchers who showed an interest in the topic by tabling amendments. We have accommodated all the amendments, including those from the hon. Member for Christchurch, but there is still a desire for a debate—so we will have it. I am glad that there is so much support for it, and I hope that all hon. Members will show up and vote for the motion when it comes before the House.

Gwyn Prosser (Dover) (Lab): This year, we celebrate the 10th anniversary of Labour's minimum wage, but non-UK seafarers sailing on British ships and going to British ports are still exempt from the Act. Now that the new Shipping Minister is considering that loophole, and others, what can the Leader of the House do to help amend the Act and bring some fairness into the system?

Ms Harman: My hon. Friend makes a good point about when what is sometimes called "red tape" is actually protection for people who could otherwise be vulnerable to exploitation. I shall bring his comments to the attention of the relevant Minister.

Mr. Chope (Christchurch): A journalist told me this morning that on Monday the Government were going to give time for a debate of one and a half hours on the setting up of the new Select Committee. Will the Leader of the House confirm that it will indeed be of one and a half hours' duration and on Monday? Why did she not say that in her initial statement today, and why was the motion taken off the Order Paper last Thursday, when there would have been time for such a debate if the Government had wanted it?

Ms Harman: The motion was taken off the Order Paper because we wanted to table it again, having accepted the hon. Gentleman's amendment. We were trying to be helpful. Whoever gave a briefing to the media about the business of the House has not done so

[Ms Harman]

with my authority or that of anybody from my office. I take a very dim view of such briefing. I shall have a discussion with the hon. Gentleman after these questions so that he can grass up the journalist and I can get the journalist to grass up whoever it was who gave out that information. Until information is announced by me at the Dispatch Box, it is not confirmed and is not to be relied on by hon. Members. The hon. Gentleman has brought to my attention something that is extremely annoying, and I shall get on to it.

John Battle (Leeds, West) (Lab): As Members of Parliament, we probably all regularly visit schools in our constituencies, but is my right hon. and learned Friend aware that we will now personally need Criminal Records Bureau checks and certificates to do so? I have been informed that we cannot apply individually—our place of work needs to sponsor and reference us. I know that locally elected councillors, for example, are automatically put through and get certificates. Will she and the House authorities sort this matter out for us, preferably before September?

Ms Harman: This is something about which my officials and I need to have discussions with officials from the Department for Children, Schools and Families. We should all agree that if people are going to be on their own with very young children, whether they are councillors or Members of Parliament, we need to ensure that that does not put at risk the safety of those children. I am afraid that in the past there have been cases where people have been elected as local authority councillors and then child protection issues have been raised. I do not think that we should turn away from the idea that we want to ensure that children are protected. This must obviously apply only where there is unsupervised access: somebody who speaks to an assembly of 600 sixth-formers will not need to go through a vetting process. It will have to proceed on the basis of common sense. If people are to be left alone with children at a sports event, the parents need to have the reassurance of knowing that those who are in a responsible position with vulnerable children are properly vetted. I will ensure that my officials liaise with the appropriate DCSF Minister and we get a common-sense, workable solution.

Mr. John Hayes (South Holland and The Deepings) (Con): The House will know about the capital funding crisis in further education colleges, with 150 colleges being encouraged by the Learning and Skills Council to devise expensive schemes. The House may not know, however, that tomorrow a Select Committee report on that subject is to be published. Will the Leader of the House make time for an urgent statement or debate on that report? Members will want to know where the buck stops. Was there insufficient scrutiny, oversight and risk management by those on the Treasury Bench as well as at the LSC?

Ms Harman: The buck stopped at 11.30 am when Ministers from the Department for Business, Innovation and Skills had answered questions specifically on that point.

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): May I draw the attention of the Leader of the House to early-day motion 1886, which stands in my name?

[That this House considers that the Donaghy report on the construction industry, entitled One Death is Too Many, sets out in its 28 recommendations the necessary structure required to improve health and safety; and calls on the Secretary of State for Work and Pensions to accept and implement the report's recommendations as the basis for putting in place a durable health and safety architecture for the industry to drive down numbers of fatal accidents and serious injuries.]

The motion draws attention to the Donaghy report that was produced for the Secretary of State for Work and Pensions. The report is about the construction industry and contains 28 recommendations that would put in place a health and safety architecture to help to end the increasing fatalities and serious injuries in that industry. Will the Leader of the House consider making that report an item for a topical debate when we come back after the recess?

Ms Harman: It would be good to find time to debate the Donaghy report. I should like to place on record my thanks to Rita Donaghy for the good work that she has done. This is another example of where Government action is not red tape but provides protection to people who might otherwise be exploited or find that their safety, or indeed their life, is at risk. The Gangmasters Licensing Authority has helped to protect vulnerable migrant workers and others in spheres such as agriculture. Donaghy's suggestion that it should be extended to the construction industry would ensure not only that taxpayers do not lose out through tax avoidance in that industry but that, importantly, the safety of workers can be protected. It would be a good subject for a debate in the autumn.

Simon Hughes (North Southwark and Bermondsey) (LD): Much has been said about the importance of the recent allegations about the tapping of answerphone messages. I note that it is not just celebrities with huge amounts of money or politicians like yours truly who are the victims, but our constituents who are much less able to defend themselves in public or likely to have the resources to challenge journalists who break the law. Could the Leader of the House ensure that in the first week after the recess a Home Office Minister comes to the House to report on the three inquiries that have now started—by Committees of this House, by the Director of Public Prosecutions and by the Information Commissioner—so that if the law is not tight enough, it is tightened, and if people ought to be prosecuted, they are prosecuted?

Ms Harman: I absolutely agree with the hon. Gentleman. We should not just wring our hands and say, "It's just one of those things. We expect powerful newspapers to be able to evade the law, and we'll just put up with it." People should not think that they cannot challenge the newspapers because they are so powerful. The work being done by the Information Commissioner, the DPP and the Select Committees is very important, and the House will want to see the results when we return in the autumn.

Mr. David Clelland (Tyne Bridge) (Lab): Does the Leader of the House welcome, as I do, the news that Nissan of Sunderland is to move into the mass production of electric vehicles? Is she aware of the wider involvement in this field of north-east companies, not least Sevcon in my constituency, which produces the control systems that make electric vehicles an attractive and practical proposition? May we have an early debate on how these developments might contribute to Building Britain's Future and the fight against climate change?

Ms Harman: This is a very important part of our manufacturing agenda. More jobs are going to be green jobs. The automotive industry has a strong future, especially with environmentally friendly cars. I strongly endorse the points that my hon. Friend has made and will look for an opportunity for us to consider the matter in the autumn.

Mr. Nigel Evans (Ribble Valley) (Con): May we have a debate on the BBC as we try to drag it kicking and screaming into the 21st century, and on public sector pay? We are now told that its viewers are going to be consulted on whether its so-called top talent are worth the money they get. The only way that viewers can really come to a judgment on that is if they are told exactly how much those people are earning, but the BBC refuses to tell us. We are told that transparency may now lead to a 40 per cent. cut in Jonathan Ross's £6 million-a-year pay; how he can possibly survive on £3.5 million we will never know. Surely we need transparency on top talent pay at the BBC.

Ms Harman: I share the concern that there should not be lavish spending at the top of the BBC, whether it is on managers, governors or celebrities. However, I am slightly concerned that while we hold the BBC to account for licence payers' money, we should not tip over into BBC bashing, which has started to colour some of the Opposition's comments.

I would also like to place it on record that I think it absolutely shocking that Arlene Phillips is no longer going to be a judge on "Strictly Come Dancing". As the Minister for Women and Equality, I am suspicious that there is age discrimination there, so I should like to take this opportunity to say to the BBC that it is not too late—we want to see Arlene Phillips in the next edition of "Strictly Come Dancing".

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): My right hon. and learned Friend may be aware that the Stockline inquiry report is due to be published today. May we therefore have a debate as soon as possible on this terrible disaster, as the families of the victims who lost their lives or were seriously injured are extremely anxious to find out what lessons, if any, have been learned from it?

Ms Harman: The bereaved families do of course have our sincerest sympathy, as do the injured survivors. The Government hope that that report will provide some comfort to the families seeking answers to questions about this terrible accident. We thank Lord Gill for the recommendations in his report and for the very thorough inquiry that he has undertaken. We have taken his recommendations very seriously; my right hon. Friend the Secretary of State for Work and Pensions recently met him to discuss them. In particular, we support the recommendation to develop a sharper, clearer safety regime. We will now fully assess the implications of the recommendations and how we can take them forward. We intend both Houses to have an update in October, with a full response to the report in January next year.

Dr. Evan Harris (Oxford, West and Abingdon) (LD): The Leader of the House knows that I strongly support her Equality Bill, but I support even more the need of Members to scrutinise it—those who support it and those who have concerns about it. Given the widespread concern about the treatment of Report stages, including the lack of time and the number of groups of amendments not reached, and given that she said three weeks ago that she recognised that the Equality Bill needed full scrutiny, will she explain to the House how she proposes to take forward the discussions that she promised with Front Benchers and beyond on how we will deal with that Bill so that it is not added to the list of Bills not properly scrutinised on Report?

Ms Harman: My hon. and learned Friend the Solicitor-General, who has taken the Bill through Committee, will discuss with Members such as the hon. Gentleman who were on the Committee how we should handle it on Report. She will discuss that with me, as Leader of the House, and we will want to ensure that we make the Bill an exemplar of how the House should scrutinise Bills on Report, especially as the hon. Gentleman is so assiduous on that point as well as being supportive of the Bill.

Sir Gerald Kaufman (Manchester, Gorton) (Lab): Will my right hon. and learned Friend provide time for a debate on Lord Archer's report on the contaminated blood and blood products disaster, as a result of which 2,000 people died and thousands more were infected with hepatitis C and HIV? There is huge concern about that in my constituency, and we would like a debate on it.

Ms Harman: This has been discussed on a number of occasions, including in a statement to the House about the increased compensation levels available and the wider remit for people to get compensation on the basis of having suffered from contaminated blood. This is one of those awful situations in which we need to do as much as we possibly can for people whose lives have been blighted and who need to be helped to get on with their lives, having suffered through no fault of their own. I will raise my right hon. Friend's points with the relevant Minister.

Sir Nicholas Winterton (Macclesfield) (Con): Will the Leader of the House give me and the House an assurance today that the motion on the reform of the House of Commons, which is to be debated on Monday or Tuesday—we do not know which—would give the House and the new Committee an opportunity to ensure that responsibility for Standing Orders was handed over from the Executive to a Committee of this House?

Ms Harman: Responsibility for Standing Orders is for the House. The Executive do not lay down what the Standing Orders of the House are. That is a matter for the House to decide.

Sir Nicholas Winterton: You draft them; you put them on the Order Paper.

Mr. Speaker: Order. May I make the point, I think for the fourth time this week—I expect it to be heeded by all Members—that I do not want loud, sedentary heckling from hon. or right hon. Members? That is not a request, that is a ruling, and I say to the hon. Member for Macclesfield (Sir Nicholas Winterton) that that is the end of the matter.

Ms Harman: As the hon. Gentleman will have seen from the resolution that defines the new Committee's remit, it will have quite wide powers to examine whatever it feels is necessary in the interests of the House. I hope that he will be among the Members who vote in support of setting up that Committee, so that it can get its work under way in the summer and throughout September.

Andrew Mackinlay (Thurrock) (Lab): Did the Leader of the House notice that many of our Scottish colleagues, in solidarity for which I am very grateful, voted so that I could attend the East of England Grand Committee in Bedford? When will I be able to reciprocate and vote for the Scottish Grand Committee to meet—maybe in West Lothian—bearing in mind that it has not met since 13 November 2003? Why has it not met? Are things so wonderful in the kingdom of Scotland, like the Garden of Eden, that it does not need to meet?

Ms Harman: There are different governance arrangements in Scotland following devolution, but there have been representations made to me by Members representing Scottish constituencies that there needs to be an opportunity for the Scottish Grand Committee to meet, and I will look for an opportunity.

Richard Younger-Ross (Teignbridge) (LD): May I urge the Leader of the House to ensure that we have a statement on the vetting and barring scheme, including on why prominent authors are not looking to visit schools even though they would be accompanied the whole time they were there? If the scheme is to apply, can we be sure that it will apply to all hon. Members, whether they are Back Benchers, Cabinet Ministers or the Prime Minister, and that Members will not be able to claim the £64 fee on their expenses?

Ms Harman: I think hon. Members have raised a number of points today that will be important and worth while for those who are drawing up the final recommendations to consider. Those recommendations need to be practical and sensible.

Barry Gardiner (Brent, North) (Lab): The Leader of the House was extremely helpful earlier in the year in facilitating a number of debates on the conflict in Sri Lanka. I know that she will share the concern of many hon. Members that the Sri Lankan Government have recently asked the International Committee of the Red Cross to scale back its operations in the detention camps. Will she arrange for an early debate after the recess, so that the House can examine the transparency of those camps and the facilities being made available to those detained there?

Ms Harman: My hon. Friend has been an assiduous supporter of the Tamil community in his constituency and in this country more generally, and he has been consistently concerned about what is happening to the Tamil community in Sri Lanka. I will bring his comments to the attention of my right hon. Friends the Foreign Secretary and the Secretary of State for International Development.

David Howarth (Cambridge) (LD): The debate on the Select Committee on Reform of the House of Commons has to be on either Monday or Tuesday. The Leader of the House has declined to confirm that it will be on Monday, but she has also announced that the House will meet at 2.30 pm on Tuesday. If the motion were to be debated on Tuesday, it would make far more sense for it to be the first business, with the House meeting at 11.30 am or 10.30 am. Why does she not just get it over with and announce that the debate will be on Monday, to give us all proper notice of it?

Ms Harman: Without having confirmed it 100 per cent., I do not want to keep hon. Members guessing. As there are only two days left and one is Monday and the other Tuesday, there is a 50 per cent. chance of its being on either. However, I think I can encourage Members that if they want to be around to either support or vote against the motion, Monday is probably the better day for them to be here.

Mr. Tom Clarke (Coatbridge, Chryston and Bellshill) (Lab): May I put to my right hon. and learned Friend what is the biggest issue at my constituency surgeries, and which was the subject of my Adjournment debate a couple of weeks ago and was raised by Members on both sides of the Chamber earlier today? It is the banks and their lending policies. Can we make it clear to them before the recess that much as we supported the Government's attitude to them and the extra resources that were provided, we do not expect small businesses and young people looking for mortgages to come to tell us that the banks are completely inflexible and irresponsible?

Ms Harman: This has been of great concern to small businesses. My right hon. Friend is absolutely right, and no doubt he is listening carefully to businesses in his constituency. It was obviously right to recapitalise the banks and insist on lending agreements, and it is therefore exasperating that the lending agreements do not yet appear to be being fully honoured. We have tried to help businesses with cash-flow problems by allowing them to defer their tax payments, but it is nevertheless important that banks do not drag their feet but get lending again.

Mr. Philip Hollobone (Kettering) (Con): Given that this has been the most dreadful year yet for this Government, the Prime Minister clearly needs a holiday, and most of the country needs a holiday from him. May we therefore have a Government statement next week about which Minister will take over his responsibilities when he does go on holiday or if he is unfortunately laid low by swine flu? Will it be her good self, the First Secretary of State or the Lord High Chancellor?

Ms Harman: It has been a most difficult year because of the economic circumstances that have faced this country, which have caused apprehension and concern among people who have built up their businesses over

many years, those who are coming into the world of work as they leave education, and those who are worried that if they lose their job they will lose their home. That is why it has been a difficult year. That has been a major challenge, which the Government have faced. We have been determined to take action to support people as they face that challenge.

The arrangements for this summer will be the same as they were for last summer. The Prime Minister of course remains in charge, but he will be ably supported by a team of Ministers, including my good self.

Mr. Ian Davidson (Glasgow, South-West) (Lab/Co-op): Comrade Leader of the House, will the defence debate be sufficiently wide to allow those parties that have not already committed themselves to supporting the two aircraft carriers to do so?

Ms Harman: It certainly will. Everybody in constituencies that depend on the work that will come from those contracts will be looking to hear the answer.

Mr. Paul Burstow (Sutton and Cheam) (LD): The Leader of the House has already mentioned ways in which Government accountability to the House and hon. Members will be maintained over the recess. Will she consider the question of Sri Lanka and refer it to Foreign Office Ministers? More than 300,000 men, women and children are crammed into camps, where they do not have freedom of movement, there are inadequate water and other supplies and they live in fear of what will happen to them. It is important that Members who have taken an interest in those issues are kept informed of the initiatives that the Government are taking to ensure that the end of the war becomes real peace.

Ms Harman: Following my discussions with the Secretary of State for Health and the Secretary of State for Defence, I think I will have a further discussion with the Secretary of State for International Development so that Members who, throughout the year, have raised concerns about various humanitarian problems can be kept informed during the summer, and so that, if new issues arise, those who are likely to be most concerned are contacted and the Government make themselves accountable.

Hugh Bayley (City of York) (Lab): The motion on the Select Committee on Reform of the House of Commons, which is in the name of my right hon. and learned Friend, says that the Committee should report to this House in November. That would be impossible if the Committee were not established before the recess. I hear clearly from my right hon. and learned Friend that she and the Government are committed to the House's having sufficient time to make the decision before we go into recess. There is extremely strong feeling among all parties, and I urge her as strongly as I can to make the time available on Monday so that we do not have scrappy exchanges in the last couple of days.

Ms Harman: This morning has been an opportunity for the House to make its views clear and I welcome that. I am sure that we can reach a successful conclusion.

Mr. Peter Bone (Wellingborough) (Con): I thank the right hon. and learned Lady for her help throughout the year and praise her for the occasions she has stepped in as acting Prime Minister. I woke up in a terrible sweat after having a nightmare last night—I dreamed that Lord Mandelson had been running the country. Can we get it quite clear that when the Prime Minister packs his Speedos, picks up his bucket and spade and goes on holiday, we will know who is running the country? The public have the right to know: is it Harriet or Mandy?

Ms Harman: The Prime Minister will be running the country.

Dr. John Pugh (Southport) (LD): On Tuesday this week, a baby died in my constituency in transit to hospital. The ambulance drove past the local district hospital because there was no A and E department for children in Southport. Following the resignation this week of Lord Darzi, the leading advocate of gutting district general hospitals, can the Leader of the House be encouraged to ask the Secretary of State for Health to make a statement on the future of district general hospitals and the implications for patient safety?

Ms Harman: We want to ensure ever improving patient safety. Obviously, we convey our sympathies to the family in the hon. Gentleman's constituency who have suffered a bereavement.

I say to the hon. Gentleman and other hon. Members that if they look at the figures, they will see that the specialisation and bringing together of services have meant that many lives that would have been lost have been saved. Patient safety has been at the forefront of those changes at a time of massive investment—so it is not a question of cutting back resources; far from it. There has been massive investment year after year, continuing last year and this year. Specialisation of services, where it has happened, has also contributed to saving lives.

I rebut the hon. Gentleman's suggestion that Lord Darzi gutted services. I thank Lord Darzi for the great part that he has played in the improvements in the national health service. We all owe him a great tribute.

Greg Mulholland (Leeds, North-West) (LD): There is real concern about the "No Secrets" guidance on safeguarding vulnerable adults. The process seems to be neither transparent nor acceptable and is actually damaging the project's credibility. Department of Health officials have said that they will publish responses tomorrow or early next week, yet the programme board has not sat for nine months or had the chance to review them. Will the Leader of the House ensure that a Health Minister makes an oral statement in the House before publication? May we have a debate in Government time on that important initiative, which appears to be stalling?

Ms Harman: I am sure that the initiative is not stalling. I will ask whether it is appropriate for the House to be updated in some way before it rises. If not, a letter will no doubt be sent to the hon. Gentleman.

BILLS PRESENTED

Parliament (Disclosure of Information)

Presentation and First Reading (Standing Order No. 57)

Mr. David Drew presented a Bill to require members of both Houses of Parliament and candidates for election to the House of Commons to publish financial and other information; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 16 October, and to be printed (Bill 139).

Media Owners (Residency Requirement)

Presentation and First Reading (Standing Order No. 57)

Mr. David Drew presented a Bill to prohibit from national media ownership persons not resident in the United Kingdom for tax purposes; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 16 October, and to be printed (Bill 140).

Common Land and Repeal of Inclosure Acts

Mr. Barry Sheerman, supported by David Taylor, Hugh Bayley, Joan Walley, Derek Twigg, Kali Mountford, Stephen Pound, Meg Munn, Mr. Gordon Marsden and Mr. Terry Rooney, presented a Bill to reinstate rights of common and to reopen common land; to repeal the Inclosure Acts; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 16 October, and to be printed (Bill 138).

Copenhagen Climate Change Conference

Topical debate

[Relevant documents: The Road to Copenhagen: The UK Government's case for an ambitious international agreement on climate change (Cm 7659) and The UK Low Carbon Transition Plan.

Sixth Report from the Environmental Audit Committee, Session 2007-08, on Reaching an international agreement on climate change, HC 355, and the Government response, HC 1055, the Fourth Report from the Committee, Session 2008-09, on Reducing CO2 and other emissions from shipping, HC 528, and the Fifth Report from the Committee, Session 2008-09, on Reducing greenhouse gas emissions from deforestation, HC 30.

Fifth Report from the International Development Committee, Session 2008-09, on Sustainable development in a changing climate, HC 177-I and -II.]

12.25 pm

The Secretary of State for Energy and Climate Change (Edward Miliband): I beg to move,

That this House has considered the matter of preparation for the Copenhagen climate change conference.

Today's debate is held at an appropriate time—a week after the 17 countries of the Major Economies Forum met in L'Aquila in Italy and accepted the long-held scientific consensus that we should seek to prevent dangerous climate change above 2° C, and the day after we in Britain published our road map to 2020, the low carbon transition plan, which sets out our plans for a 34 per cent. reduction in emissions in the UK by 2020 compared with 1990.

Mr. Charles Walker (Broxbourne) (Con): We have set some ambitious targets for reducing carbon emissions—I think it is 80 per cent.—by 2050. How is that compatible with increasing the population in the same period by more than 10 million? The Home Secretary said that he was relaxed about this country's population increasing by 10 million, but that will increase the size of our carbon footprint.

Edward Miliband: It all depends on the actions that we take. Globally, there will be a significant increase in the population in the next decades. That argues for a transition to the low-carbon path and away from the high-carbon path. We must do that, whatever the size of the population, but obviously increasing population means increasing carbon emissions and we need to take action. I am confident that we can; that is within our projections.

I was saying that it was an appropriate time to hold a debate on the preparations for Copenhagen. I believe that it is a make-or-break year: President Obama in the United States is showing new leadership; China wants a deal, and the acceptance of 2° C as the yardstick by which we should judge success or failure at Copenhagen is important. However, there is a long and hard road ahead. I want to highlight in my brief remarks the five big challenges that we face between now and December.

Mr. David Drew (Stroud) (Lab/Co-op): Does my right hon. Friend accept that we need real leadership at local authority level? As much as Government may exhort and have the right policy framework, we need

leadership in and from local authorities. We have some excellent ones—we all know about the Kirklees model—but we also have local authorities that lag behind, so we need a bit of a push to get them moving in the right direction.

Edward Miliband: I agree. The new carbon budgets regime that we set out yesterday could, in time, be extended to local authorities, which could take on their own carbon budgets. We will drive the system through in that way.

Joan Walley (Stoke-on-Trent, North) (Lab): Does my right hon. Friend agree that one of the key indicators is the extent to which capital funding from the Learning and Skills Council can ensure that we move towards green training and skills and the skill sets that will be needed throughout the economy? Will he ensure that those considerations are taken on board and that colleges like mine in Stoke-on-Trent benefit from that?

Edward Miliband: My hon. Friend makes an important point about skills in the UK and elsewhere in the run-up to Copenhagen. She is certainly right that learning and skills councils have an important role to play, and I know that she campaigns hard on those issues.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): My right hon. Friend and I have been involved in environmental issues and campaigns against climate change for a long time, but time and again our efforts have been dogged by the lack of planning permission for ambitious and innovative schemes. Are we going to crack planning permission and are we going to do it fast?

Edward Miliband: Yes, and it is important that we are reforming the Infrastructure Planning Commission, which not only is important domestically, but will be seen as important by our international allies in the run-up to Copenhagen. I regret that the Opposition want to abolish the Infrastructure Planning Commission, but I hope that the good offices of the hon. Member for Tunbridge Wells (Greg Clark) will persuade his colleagues in charge of local government issues to think again.

Mr. Nigel Evans (Ribble Valley) (Con) *rose—*

Edward Miliband: I will give way to the hon. Gentleman, but then I want to make some progress—I feel like I am at the starting line of my speech.

Mr. Evans: I know that the Secretary of State wishes to promote renewables and as for wind-powered energy, I have no problems whatever with developments out at sea. However, I was concerned to read that the only major manufacturer of wind turbines in the Isle of Wight has closed. As for renewables, could he give a commitment to ensure that we will support research and development and the manufacturing of solar panels, batteries and wind turbines in the United Kingdom?

Edward Miliband: Absolutely. That is why we made available £120 million yesterday to support, for example, the offshore wind manufacturing industry.

Let me come to the five challenges that we will face between now and Copenhagen. The more consensus that we can achieve in the House on these questions, and particularly on the international side, the better, so I look forward to hearing other hon. Members' speeches in this debate. First, we need to show that the mitigation actions by developed and developing countries are consistent with the 2° benchmark. When it comes to the targets and the commitments made by developed and developing countries, the question is: are they consistent with the actions that the scientists tell us are necessary to meet the 2° target and to contain temperature rises on the planet to below 2°? In Britain we have set an emissions target for 2020 of 34 per cent. below 1990 levels. However, we stand ready to tighten and improve that target as part of a global deal at Copenhagen.

The Intergovernmental Panel on Climate Change—the scientific body in charge of those issues—said in its 2007 report that, for developed countries as a whole, we needed to aim for 25 to 40 per cent. reductions on 1990 levels by 2020. There is no doubt that that is a challenging objective, given the situation in America and elsewhere, but the 25 to 40 per cent. target is still an important benchmark. There may be other scientific pathways to get to the 2° target, but that benchmark is—at the moment, anyway—the dominant way in which we are thinking about such issues, and it indicates that all countries, but particularly developed countries, need to show maximum ambition.

Simon Hughes (North Southwark and Bermondsey) (LD): Because the Secretary of State hopes for a more ambitious outcome in Copenhagen, and because the Intergovernmental Panel on Climate Change has suggested that the target that we need to meet may be even bigger, can he assure us that he and his colleagues have done the necessary contingency planning for the further reductions that we will need to make, sector by sector, so that, without internal barriers, we can go for, say, a 42 per cent. UK reduction at Copenhagen in December?

Edward Miliband: Yes, we think that getting to that higher number is feasible. Because of the plans that we announced yesterday and the fact that we are overachieving on the 34 per cent. target by a couple of percentage points, to 36 per cent., we are in line to be able to move to a tightened target.

Developing countries also have to play a role in reducing emissions and meeting our long-term targets. About 75 per cent. of the increases in emissions over the next 20 years or so will come in developing countries, so even if richer countries cleaned up their act straight away, we would still need the involvement of developing countries if we are to meet our objectives.

Barry Gardiner (Brent, North) (Lab): My right hon. Friend will know of the concern in developing countries that the resources required to meet those mitigation targets should not come from official development assistance or Department for International Development budgets. I am pleased that the Government have given a commitment that we would do only 10 per cent. of double counting, as it were, where there are actions that can both reduce poverty and mitigate climate change, but is he confident that the Opposition share that view?

Edward Miliband: Obviously it is for the Opposition to speak for themselves, but my hon. Friend makes an important point, which I will come to in a moment. We

[Edward Miliband]

need to ensure that the resources that we put into climate change finance are not simply taken from existing finance for poverty reduction, although I will come to that in a moment.

Developing countries have an important role to play. Studies have suggested that by 2020 they need to show a deviation from what we would otherwise expect them to do—that is, from what one might call "business as usual" and continuing to emit at current rates—of 15 to 30 per cent. That is an important part of the challenge that we face between now and Copenhagen.

The second challenge—this touches on the point that my hon. Friend made—is on the finance and the financial architecture of a global deal. There is no question but that that is one of the most difficult issues that we face in Copenhagen. Developed countries are hard pressed financially and resources will obviously be hard to come by. At the same time, however, on the basis of historical responsibility for emissions, there is no question but that developed countries bear responsibility for the emissions in the atmosphere—cumulatively, between 1850 and 2000, about 30 per cent. of global emissions came from the United States, about 30 per cent. came from the EU and 6 per cent. came from China. Per capita emissions in developed countries are still significantly higher than in developing countries, and obviously the development needs of developing countries are significantly higher as well.

That is why the Prime Minister made the speech that he did a couple of weeks ago, when he suggested—he was the first world leader to suggest this—that we should have a working figure for how much money we are seeking to raise, namely $100 billion by 2020. He also said that it should come from private and public financial sources—from the global carbon market and public sources—and that we needed new sources of finance, in addition to official development assistance. We are attracted by various proposals, including from Norway and Mexico, and importantly—this comes back to the point that my hon. Friend the Member for Brent, North (Barry Gardiner) made—we should limit the ODA used to 10 per cent., so that we do not simply divert it away from poverty relief.

That is a very important point in commanding the confidence of developing countries in the negotiations. I urge those in all parts of the House, including the official Opposition, to think hard about that. They published a document earlier this week looking at overseas development, but it was not explicit on that point, so I hope that when the hon. Member for Tunbridge Wells (Greg Clark) responds he can say something about their attitude, because it would send a bad signal if it looked like we were simply going to transfer money wholesale from ODA to climate finance.

John Mason (Glasgow, East) (SNP): Would the Secretary of State accept that patents are also part of the equation? If we could transfer new technology fairly cheaply, as well as transferring money, that would also help developing countries.

Edward Miliband: The hon. Gentleman helps me to segue into my third point, which is about technology. For countries such as China, the key in the negotiations is not finance, but the big technological questions. From my experience of the discussions on this issue, it may not be the most difficult one that we face in the negotiations, but it is the most complex. We need to respect intellectual property rights, because they are an important part of the technology being developed, but, having been in China, I can tell the hon. Gentleman that it is sometimes hard to pin down exactly what is required.

To take carbon capture and storage as an example, the way I look at it is like this. Rich countries have a responsibility to demonstrate new technologies such as carbon capture and storage, which is crucial to the problem of coal production. People understandably campaign about new power stations in the UK, but in one part of China that I visited—Guangdong province—the plan over the next 10 years is to build 40 GW of coal power, or approximately 25 new power stations. The good news is that China is interested in carbon capture and storage and in the role that it can play in that country. Our responsibility is to help to demonstrate the new CCS technology and share our know-how on it as best we can. In the coming months, as part of the Major Economies Forum, we will be working out how best we can drive that new technology through, as well as transferring established technology.

Mr. Jamie Reed (Copeland) (Lab): Does my right hon. Friend agree that Copenhagen will provide an opportunity for us to jettison business as usual, and that what we need is a new environmentalism, not only in the run-up to Copenhagen but at Copenhagen, in which non-governmental organisations, businesses and Governments are all on the same page and pursuing the same aims?

Edward Miliband: My hon. Friend has made a crucial point. I have been very conscious of this in the discussions that I have had about Copenhagen. We need the broadest possible coalition in every country of the world on these issues, involving not only civil society and Governments but businesses, faith groups and the whole broad spectrum of people. Copenhagen will be hard enough, but the big challenge will be to sustain consensus on these issues across time, across developed and developing countries, across different Administrations in those countries and across different political systems. That is the scale of the challenge that we face in relation to climate change.

The fourth area that I want briefly to touch on is the need for a comprehensive agreement on forestry. Deforestation is responsible for 18 per cent. of global emissions, or about one fifth of the overall problem that we face. I think I am right in saying that, in Peru, an area of forest the size of 64 football fields is being cut down every 90 minutes as part of the process of deforestation. Any global agreement must therefore include forestry, and the UK has put forward some concrete ideas to make that happen. A key part of this is to find a way of incentivising people who live in the forests to manage them sustainably; that has to be the answer. There are good examples of sustainable forest management, but there are also difficult questions around the governance of these issues.

Nia Griffith (Llanelli) (Lab): In the light of what my right hon. Friend has just said, it is possible that a forest the size of 64 football fields could disappear in the time

it takes us to have this debate. Will he therefore look again at Government policy on biomass, and, in particular, on how we can control imports?

Edward Miliband: My hon. Friend is right to suggest that we need to be cautious on biomass—and, indeed, on biofuels generally. We need to ensure that they do not contribute to some of the problems that have been identified.

Mr. Peter Bone (Wellingborough) (Con): I have a problem on the question of biofuels. I thought that I was saving the planet by buying a biofuel car—Wellingborough has one of the few biofuel pumps in the country. Are we saving the planet by buying such cars, or are we destroying it?

Edward Miliband: To give a rather unsatisfactory answer, it depends on the type of biofuels that are being used. I understand that first-generation biofuels are more damaging that second-generation biofuels.

Several hon. Members *rose—*

Edward Miliband: I am conscious of that fact that I am no longer getting any extra time when I take interventions. In the light of that, I must plough on and come to a conclusion, in order to allow more of my colleagues on both sides of the House to speak.

The fifth area that I want to mention is the system of governance that we will need in relation to Copenhagen. It is important that that system of governance commands respect from developing and developed countries. That means developing countries having a fair voice in the system of financial decision making, and we have put forward an idea for a compact involving a system in which developing countries wishing to have finance will submit low-carbon development plans to a body that gives an equal voice to developed and developing countries. In that way, we will give a fair voice to the developing countries in the discussions.

One important point for our public, and for the public around the world, is that we must have a robust system of monitoring, reporting and verification of all countries' actions and commitments.

Paul Flynn (Newport, West) (Lab): Will my right hon. Friend give way?

Edward Miliband: I will not give way, because I must wind up. I apologise to my hon. Friend.

We need a robust system of MRV—monitoring, reporting and verification—and good ideas have been put forward on how we can manage that process and ensure that developing and developed countries are clear about the actions that they are going to take.

Let me summarise the challenge that we face and end on a note of optimism. We want an ambitious agreement, with clear mid-term and long-term targets to keep us on—at the very worst—a 2° pathway. We want the agreement to be fair, because the poorest countries need to move from high-carbon to low-carbon growth, and we need to accept our responsibilities as developed countries. The agreement also needs to be comprehensive, covering not only the actions that each country needs to take but the actions required by international sectors such as aviation and shipping.

I want to end on this note of optimism. When I came into this job, many people talked to me about the chances of success at Copenhagen, and said that President Obama would not be interested in dealing with these issues because he would have too many other things on his plate. They said that he would get to them in his second year. What has actually happened is that, with new US leadership, with Chinese engagement and with wider developing country engagement on the issues, the chances of success at Copenhagen have significantly increased. We face a long, hard road ahead in the next few months, and the UK Government stand committed to straining every sinew to get the kind of ambitious agreement that we need to protect the planet for future generations.

12.46 pm

Greg Clark (Tunbridge Wells) (Con): It is a pleasure to meet the Secretary of State across the Dispatch Box for the second time in two days, again on a subject on which there is a broad degree of consensus between the two Front Benches about what is needed in our national interest and the interests of the world. I do not want to rehearse all the points that the Secretary of State has laid out, as they are indeed points of common ground. Instead, I want to use the opportunity of this brief debate to make a couple of observations of my own on some of the unfinished business relating to Copenhagen.

I think that we can agree that it is in our national interest to move to a genuinely low-carbon economy, for reasons of energy security and economic competitiveness, and for the sake of our environment. Yesterday, we discussed that issue in so far as it applies domestically, but exactly the same arguments apply across the world. There is no distinction there. It is in the global interest that we have an agreement at Copenhagen that is significant not because it is an agreement, but because it constitutes a set of commitments that mean something tangible. Yesterday, we discussed whether we could achieve that aim domestically. We need to adopt exactly the same sense of purpose and realism internationally, because the poorest people of the world, who have contributed least to the problem, will be hit first and suffer most from the consequences of climate change.

"The Road to Copenhagen", the document that the Government published recently, sets out three principles in moving towards securing a global deal, and we have no problem endorsing them. They are ambition, effectiveness and fairness. These are sound principles. We need ambition, in that the commitments made on reducing emissions must accurately reflect what the science says is necessary. We need fairness, in that the balance of commitments entered into by the developed and developing worlds must be a fair reflection of the extent to which each is responsible for the problem and able to deal with it. We also need effectiveness, in that words alone are useless without rigorous monitoring, reporting and verification. I would add a fourth principle, both for Copenhagen and for our domestic action: urgency.

Over the next few years, decisions will be made that will shape the global energy and transport industries for decades to come. Down one path lies the kind of vision that my leader and those on the Opposition Front Bench have been urging for some time, which we discussed

[Greg Clark]

yesterday. Down the other path lies not business as usual but an attempt to compensate for dwindling oil reserves by relying on unconventional sources of fossil fuel, most of which are unconventionally expensive and unconventionally damaging to the environment.

Paul Flynn: Will the hon. Gentleman explain why his party changed its view on nuclear power, seeing it now as a first resort rather than a last resort? Was it to do with the £93 billion bill to clear up old nuclear, or the fact that nuclear has never been delivered on budget or on time, or the fact that the only new nuclear power station in the world is already three years late and €2 billion over budget?

Greg Clark: I am grateful for that intervention. My assessment is that nuclear power is clearly a low-carbon source of energy. We discussed yesterday how we need to diversify our sources of energy generation for energy security purposes, so unless one has an objection in principle to nuclear as a technology—and we do not—given that it contributes to energy security, and is consistent with our climate change objectives, and if it is economically viable, I would expect to see it as part of the mix.

Colin Challen (Morley and Rothwell) (Lab): I am grateful to the hon. Gentleman for giving way again on this subject. In what year would he estimate that a new nuclear power plant would deliver a new additional watt of so-called low-carbon energy, as opposed to what comes from the replacement plants that the Government are talking about first-off?

Greg Clark: That point again takes us back to yesterday's discussions. The difficulty we are in—it is one of the points I raised yesterday—is that we been through a period in which public policy has not grappled with the predictable issues, one of which is the fact that the majority of our current nuclear fleet comes to the end of its planned life during the decade ahead. It is now too late to even replace the capacity provided by those nuclear power stations before the existing fleet reaches the end of its planned life. I think that decisions were ducked during that period, but according to the promoters, such as EDF, for example, 2017 or 2018 are the earliest years by which we could expect that contribution.

Nia Griffith: Can the hon. Gentleman tell me which power stations were built between 1979 and 1997?

Greg Clark: I think—*[Interruption.]* Well, I was certainly in the Conservative party in 1997. On questions like that, I suggest that the hon. Lady asks her own Front-Bench team for factual information; I am sure they will be happy to oblige.

Let me make some more progress. Copenhagen will be seen by many as a fork in the road—and to some extent it will be, because trillions of dollars are waiting to be committed one way or the other, with investors looking to the world's leaders to set a clear direction. I therefore agreed with the Danish Prime Minister when he said last month that the meeting in Copenhagen

"may be one of the most important meetings of this new millennium—a meeting where we cannot afford to fail".

The worst kind of failure at Copenhagen, however, would be failure dressed up as success, by which I mean an agreement that literally promised the earth without achieving the action required of every major emitting nation, including those in the developing world. A fake deal would eventually be exposed for what it was, but by that point, precious time would have been lost.

Of course, it is in the nature of international summitry to blur the line between success and failure. We saw a prime example at last week's G8 summit in Italy, where on the face of it a great success was scored when the signatories agreed to make cuts of 80 per cent. in greenhouse gas emissions by 2050. However, in the small print, the agreement referred to a base year of

"1990 or more recent years".

This matters because the choice of the base year can make a huge difference to the size of the carbon limits actually agreed to. For instance, between 1990 and 2007, annual emissions in the US alone increased by 1,000 million tonnes—more than the total annual emissions of Britain and France combined.

We have already seen Japan attempt to use 2005 as its base year, and the same date was used by this Government when they unveiled an aviation emission target as what I regard as a fig leaf for their decision to build a third runway at Heathrow. Fiddling around with base years is just one way of moving the goal posts, but the only goal that really matters is the reduction required to keep the rise in global temperatures below 2°C.

Edward Miliband: On the point about aviation emissions, which is relevant to the international deal, does the hon. Gentleman agree with our target to get such emissions in 2050 back to current levels?

Greg Clark: Of course we agree that if we are going to have carbon budgets, they should include all sectors, but my point is that having different base years for different contributors risks undermining the clarity that is needed for a rigorous deal.

Mr. Philip Hollobone (Kettering) (Con): I was happy to support the Climate Change Bill, but what does my hon. Friend say to those who point out that in recent years, global temperatures have not been rising, as the early computer models predicted, but have actually been falling? Is that not tempting countries to rebase the years at which they start their carbon reduction targets?

Greg Clark: I am grateful for my hon. Friend's intervention, because what he has mentioned is exactly the problem. If countries rebased their targets every time a different direction was indicated over a series of a few years, we would never meet our commitments. I believe that we need stability and that we need to follow the long-term consensus of the science. In this country, that means following the Climate Change Act 2008, which my hon. Friend supported, under which a committee comprising scientists and other policy makers keeps the issues rigorously under review. That is the right approach. I hope that in this regard the role of the British delegation in Copenhagen will be to unblur, as it were, the line between success and failure and to focus on clarity in the discussions.

Twenty years ago, Margaret Thatcher stood before the Assembly of the United Nations and told the truth about the emerging scientific evidence on climate change. Twenty years later, the world's Governments will meet at Copenhagen and either they will agree to the necessary action or they will not—but we owe it to the people of the world to tell them which it is.

Another test of whether the agreement is a success or a failure is implementation, about which the Secretary of State rightly spoke. It is ultimately implementation, not targets, that provides the surest test. When it comes to the facts on the ground, it is impossible to blur the distinction between success and failure. Either megawatts of clean energy are installed or they are not. For instance, there can be no fudging of the fact that in the decade up to 2005, the share of renewable energy in the UK went from 1 per cent. to 1.3 per cent. I hope we all agree that that is disappointing. We can recognise that for what it is—a wasted opportunity—only if we are clear about the difference between success and failure.

The implementation agenda is all the more important because Copenhagen must find a way of binding in not only countries like ours, but developing countries, including those which are rapidly industrialising, such as China and India. They are not only significant contributors to global emissions, but are capable of making a real contribution to the development of a low-carbon economy both domestically and globally.

We are told that these developing nations will not agree to targets. That may or may not be the case when it comes to the negotiations, but if it is the case, it is on the implementation of action plans—with regard to reducing carbon intensity, for example—that this part of the global deal will stand or fall. It is therefore absolutely vital that we in the developed world can bring forward credible implementation strategies of our own to show that this can be done. Unless we do so in our countries, there seems little chance of guaranteeing that the same will happen in the developing world.

Barry Gardiner: The hon. Gentleman will know that developing countries have agreed that they should perform nationally appropriate mitigation actions. As part of that, they look to the developed world to provide funds to enable them to do that—as well as to intellectual property rights, which were mentioned earlier. Will the hon. Gentleman commit, as the Government have committed, to ensuring that only 10 per cent. of the official development assistance budget is used to facilitate the developing countries' nationally appropriate mitigating actions—and no more than that, as that would be seen by those countries as good faith, whereas anything more would be seen as bad faith?

Greg Clark: I certainly agree with one objective at Copenhagen, which is to set up a fund for adaptation, which is in addition to the aid agreements between different countries. I think it is important that we do that, but when it comes to existing action within ODA, we have to recognise the effect of climate change on variables that are the subject of aid at the moment. Tearfund, for example, brought to my attention a World Bank figure suggesting that climate change might put 40 per cent. of international poverty reduction at risk, so I would not want to be in a position of being constrained from taking action on poverty because of some other figure.

Edward Miliband: My hon. Friend the Member for Brent, North (Barry Gardiner) made an important point. We should absolutely continue to tackle poverty and it is good that on both sides of the House we are committed to the 0.7 per cent. share of gross domestic product. It would be a real problem, however, if under the guise of that 0.7 per cent. figure, a large proportion of that money was diverted to climate change. Then people would say that we were not funding poverty in the way that was promised, as it was being diverted to climate change. Of course the two issues are related, but my hon. Friend is right to press the hon. Gentleman to commit to 10 per cent. of the ODA budget.

Greg Clark: I do not think that there is any disagreement between us. Additional resources for climate change are needed, and we should not divert money from important programmes in our aid budget.

Taking action to show that we can implement the commitments is an important test of our good faith if we are to argue for them around the world. If continue to fail to live up to the ambitious targets we have set ourselves, we are in a poor position to bring other countries on board. That is why yesterday's discussion in the House was so important. We will continue to press the Government for more urgent, comprehensive and tangible action domestically.

I am reminded of a speech delivered by John F. Kennedy in 1963 on the subject of peace which in itself changed the course of the cold war. Before the United States could credibly call on the Soviet Union to reform its attitude to human rights and aggression around the world, the President argued, American citizens needed first to examine their own attitudes to peace and freedom in their country. Only when all American citizens lived with full equal rights and without fear of violence in their own country, the President said, would the United States have the moral authority to call on other countries to reform their behaviour. So it must be for us: if we are to have the moral authority truly to lead in Copenhagen, it must be by example as well as by exhortation.

Several hon. Members *rose—*

Mr. Deputy Speaker (Sir Michael Lord): Order. Before I call the next hon. Member to speak, I remind the House that Mr. Speaker has placed a 10-minute limit on Back-Bench speeches, and that applies from now on.

1.1 pm

Colin Challen (Morley and Rothwell) (Lab): It is pleasure to take part in this short debate on climate change. The fact that it is a short debate indicates that more immediate problems tend to come ahead of climate change in our consideration—I do not intend to undermine the importance of the debate on Afghanistan in any way. I look forward to a longer debate on climate change in the autumn.

My right hon. Friend the Secretary of State for Energy and Climate Change is correct that we must be consistent in trying to meet the targets that climate change science tells us we ought to meet if we are to stay within a 2° temperature increase. I would like to talk about those numbers, because policy based on scientific analysis is quite new in politics—policy of such magnitude based on science is extremely new. I address my comments

[Colin Challen]

not only to Government Members but to Opposition Members, because the point would be a crucial one to miss.

The numbers are terribly important, and the Government are far more candid on them than they were two or three years ago, which I welcome. I draw Members' attention to page 35 of the "Road to Copenhagen" document, which for the first time provides an honest assessment:

"It is estimated that stabilising the concentration of greenhouse gases in the atmosphere at 450 ppm CO_2 equivalent gives around a 50 per cent. chance of keeping temperature levels below 2°C and reduces the chance of increases of between 3 to 4°C. Higher concentrations would reduce the chance of staying below 2°C significantly and increase the chances of much higher temperature rises."

That is a major step forward from the publication of the Stern review two and a half years ago, when the range of targets discussed went up to 550 parts per million, on the basis of which one could plan one's policy, prepare one's budgets and so on. Nick Stern has now reduced his estimate of where we should be to, I think, 450 parts per million. Around the world, others are saying it should go much lower. Jim Hansen, for example, has suggested that 350 parts per million, which is less than where we are today, ought to be our longer-term target.

Those numbers may seem arcane to most people outside this Chamber, and I suspect that that is an inevitable consequence of a science-based policy. However, it is essential that we base our policies on numbers based on the science. I fear that in some cases we are still not managing to do that. The Committee on Climate Change's recommended budgets, for example, appear to be based on some modelling that rather ignores the impacts of coupled models, in which the impact of positive feedbacks and carbon sink failures are calculated. The Hadley centre, which contributed evidence to the fourth assessment report of the Intergovernmental Panel On Climate Change, has examined the differences between coupled and uncoupled modelling, and shown that if we followed the coupled model, global carbon emissions would have to be reduced by 80 per cent., not the 50 per cent. that many people are now talking about. That is a radical step change in the budgets that we should consider. Should anyone care to look at it, that evidence from our own Hadley centre is repeated authoritatively in the IPCC AR4 work group 1 report, chapter 10, page 791.

There is already a big change in Government, which is welcome, and my right hon. Friend the Secretary of State should be congratulated for shaking things up. However, we always seem to be chasing our tail on climate change policy, and the science seems to be pointing south—even more so than six months ago. In March, the Copenhagen congress on science suggested that the impacts of climate change will be worse than many people thought.

Mr. John Gummer (Suffolk, Coastal) (Con): Does the hon. Gentleman not agree that even though everyone in the Chamber would honour the Secretary of State for the way in which he has changed attitudes so rapidly, he must expect, and we ought to give him, constant pressure on such issues? Consensus should not mean silence on this issue. We must press all the time if people are to listen.

Colin Challen: I could not agree more with that assessment. If my right hon. Friend the Secretary of State goes to Copenhagen and tells his colleagues—or tells the Americans or the Chinese before Copenhagen—that he is under constant pressure in the House to do a better deal, that is of great value. I make no apology for sometimes sounding critical of my Government. The criticism should come from all sides. We are not looking for a consensus around motherhood and apple pie. I am looking for a bigger effort.

In another example of the Government's candour of late on the issue, in response to my written question about the contribution of Government policy to reductions in CO_2 emissions in this country since 1990, I received the reply that the dash for gas contributed 15 per cent. of that reduction, that the change between imports and exports—the fact that more manufacturing takes place in China and we import it back—accounted for about 30 per cent. of the reduction in carbon emissions, and that other factors, of course, also contributed. The written answer stated:

"The direct effect of Government policies overlaps with the estimates given above and is likely to have accounted for about 15 per cent."—[*Official Report*, 13 July 2009; Vol. 496, c. 36W.]

Therefore, between 1990, the baseline year, and today, Government policy—from Governments of both parties, presumably—contributed about 15 per cent. to our reduction in greenhouse gases.

In my view, 15 per cent., which is equivalent to the contribution from the dash for gas, is simply not enough. Hopefully, the budgets that have now been published, and the report and statement yesterday, will indicate that we will go well beyond 15 per cent., and I hope that we will be much more interventionist in the markets, and tell them what they have to do—not leave it all to the magical formula called, "Not picking winners", which so far, I think, has managed to pick quite a few losers.

The idea that we would aim for higher greenhouse gas emissions cuts if we had a global agreement calls on my right hon. Friend the Secretary of State, Ministers and the EU generally to make a big impact on the Americans. I know that we all welcome President Obama's contribution to the debate, and we all welcome the Waxman-Markey Bill, although its headline reduction figure seems lower than that of the Kyoto protocol. However, a recent comment has caused me considerable concern. Todd Stern, who is President Obama's lead envoy for climate change, said in June, during the Mexico talks of the Major Economies Forum,

"In our judgment"

the cut proposed by the European Union

"is not necessary and not feasible given where we are starting from. So it is not on the cards."

That is an alarming position for us to find ourselves in, particularly now that the Waxman-Markey Bill has left the House of Representatives, having been watered down quite a bit and facing a much tougher battle in the Senate, where the Republicans—in my view, a horrid little core group of far-right extremists when it comes to this subject—will dig their heels in and oppose it every inch of the way.

It is unlikely that the United States will come up with a settled piece of legislation in December. It will have one foot in the camp and one foot outside it, and we

need to recognise that that could have great consequences for the European Union's higher intended target. Are we really going to proceed with the proposal for 40 per cent. cuts by 2020 if the Americans are promising only 4 per cent.—or, given the other measures in the Waxman-Markey Bill, possibly slightly more?

I hope that we shall receive some response to the message that we are sending on behalf of those in the developing world, the people who have given us their carbon emissions free of charge since the industrial revolution. Of course, they may say that they did not give us their emissions, but their emissions were stolen from them. Those people should have an equal voice in Copenhagen. It should not be just the major economies that determine the agenda; the countries in the developing world should have an equal say, because it is their atmosphere as much as ours. If we do not recognise that, we will go horribly wrong, and there will be no agreement worth having in Copenhagen.

1.12 pm

Simon Hughes (North Southwark and Bermondsey) (LD): Of course I applaud the Secretary of State and his colleagues for their work, but I will accept the appeal from the hon. Member for Morley and Rothwell (Colin Challen) and the right hon. Member for Suffolk, Coastal (Mr. Gummer) for me to do my job between now and December in maintaining the constant pressure on the Government to be ambitious, not just for the United Kingdom but for the world. I see six opportunities. Although we are talking about Copenhagen, there are the three inter-sessional meetings—in Bonn, Bangkok and Barcelona—the United Nations Secretary-General's meeting in New York to discuss climate change, the Pittsburgh summit, and the meeting of the Council of the European Union. All those meetings provide opportunities, and I hope that each of them will ratchet up progress.

I have only six minutes in which to speak, so I shall be brief. I begin by flagging up two facts. I shall then ask questions about what the Government have said so far, identify places where we need to do better, and present proposals that I hope I may be able to persuade the Government to take on board.

First, let me say something about our contribution. Most of the public still do not quite understand the figures, the science and the urgency. The United Kingdom's citizens represent about one in 110 people on the planet, but we contribute about one fiftieth of global emissions. We are the country of the industrial revolution, and we have an historic legacy. We have a huge responsibility because of that legacy, because of our responsibility in the European Union, and because of our responsibility in the Commonwealth. If all these countries could come together, they could play a hugely important part. The Secretary of State said yesterday, or colleagues of his have said, that we share the ambition of the Swedes. The Swedes now hold the EU presidency, and we need to work with them and the other progressives in the EU to drag the recalcitrants along with us.

Let me make a second "setting the scene" point. The rich developed countries constitute about a fifth of the world's population, but three quarters of the emissions are ours.

We must be clear about what we have to do. If we are to make this year the most important since the Kyoto deal in 1997, we must do several things. First, we must follow the science all the time. The direction of travel must be clear. I hope Ministers will say that they accept that emissions must peak globally in 2015 or 2016. In that case, we should aim for the 40 per cent. global target suggested by the Intergovernmental Panel on Climate Change rather than a target of 20 or 30 per cent., which would mean a target of more than just 34 per cent. or 42 per cent. in this country. I am aware of the difficulties, however, and of the economic backdrop.

Secondly, while the Prime Minister's speech was welcome in setting a starting point, I think that we should build on that. The United Nations is central to delivery. I suggest a leapfrog fund of the kind which I believe is proposed by the Mexicans, allowing the developed countries to contribute to the kitty of the developing countries. That would be in addition to contributions that we have already made, and would be used for purposes of technology change. I also suggest an adaptation fund to prepare people and deal with the crisis that would afflict countries such as Bangladesh—I believe that 18 per cent. of the country would be under water—and the Maldives, which would disappear completely. We need an insurance mechanism to cover developing countries that implement risk reduction against climate-related or disaster losses, and a fund to prevent deforestation, which is one of the biggest contributors of global emissions, although it is not perceived to be so important from here.

The Prime Minister proposed a $100 billion contribution. We think that $160 billion will probably be needed for each year of the period between 2013 and 2017. What can we do to increase the Prime Minister's proposed figure? Conservative Front Benchers were asked whether they thought that this money should be additional to overseas development money. The Minister will expect me to say that the Liberal Democrats think that it should be additional. I understand the argument about the overlapping 10 per cent., but we have been struggling to implement the Brandt commission's 0.7 per cent. target for decades. If I may put it bluntly, if we do not have additional money, we will lose many of the other opportunities of which the Minister and his colleagues are aware.

I am also not sure how much of the $100 billion—let us take that as the starting point—would be new and additional money. If 50 per cent. is to come from carbon markets and $20 billion from global official development assistance, that leaves only $30 billion of new money, which is not a very ambitious figure. Many people—including members of the campaign groups who brief Ministers, and brief me—suggest that it should be higher. Finally, what percentage should we contribute? In its briefings to us, Oxfam suggests that our fair share of $100 billion should be about 5.4 per cent., or $5.4 billion. Is that accepted? The Minister has heard the proposition; obviously we believe that the figure should be higher.

This is not just an opportunity for us to deal with the environmental crisis. It is probably the best opportunity in all our lifetimes for us to deal with the global inequity that is the legacy of industrial development. It is crucial for us to deal with that in Copenhagen, and I hope that we shall be able to do so.

1.18 pm

Paul Flynn (Newport, West) (Lab): As this is a topical debate, let me begin by quoting from a document that has been published in the last few hours under the title "The Road to 2010". It contains a policy for nuclear proliferation. It proposes:

"A new Nuclear Centre of Excellence in the UK to promote wider access to civil nuclear power… to make a reality of the right of all countries… to the peaceful use of nuclear power."

That will cause great celebrations in Iran and many other parts of the world. I should have thought that, if we had learned anything, it would be that the proliferation of nuclear power can lead inevitably and very easily to danger. There are no secrets left about nuclear processes, and processes for making nuclear bombs. However, we as a country decided this morning to spend a further £20 million of taxpayers' money on nuclear subsidy.

We already have a bill of £93 billion to clear up the mess of old nuclear. It was said that that would be achieved without public subsidy, but within months we are paying a public subsidy. We have indemnified the consortium that has taken over against any accident that might take place, and that money would be paid by the taxpayer. The Americans who have the contract said they would not take it over unless they had a guarantee that the taxpayer would pay the bill for an accident that could cost billions of pounds, so there is another subsidy there. Again, in spite of the promises from the nuclear industry that it would not have any subsidies, immediately voices have been raised to say that it cannot compete on level terms with genuine renewables.

It is extraordinary that both main parties have become bewitched by the pied piper of nuclear power. I greatly admire the previous Conservative spokesman. I served with him on the Environmental Audit Committee. That Committee produced an objective and scientific report that dismissed nuclear power as an unobtainable objective economically—that is not taking into account other problems. It has never worked, and it never will work, on economic grounds, as we were reminded yesterday by the spokesman for the Liberal Democrats. Every nuclear power station in this country has been late; it has never been built on time and it has always been vastly over budget.

Nuclear power is also unreliable in practice. It works for only 80 per cent. of the time. People complain about wind power not being reliable, but neither is nuclear power. We are now exporting electricity from Britain to France because of the French problems with their nuclear power stations. The problems are the result of climate change because there is not enough water in the rivers to cool the power stations. Therefore, this source of power is dangerous and its proliferation could cost the world, but we are now going to promote it to other countries. The paper says that every country has the right to have their own nuclear power, and we are spending taxpayers' money to promote that. This is truly, deeply mad.

Mr. Jim Hood (Lanark and Hamilton, East) (Lab): Is my hon. Friend's argument that the people of France are living in danger because 77 per cent. of their electricity is generated from nuclear power?

Paul Flynn: That is not what I said. The point I am making is about the economic case, and I also object on the grounds of proliferation. I cannot believe that we do not now realise the dangers arising from the facts that Pakistan has a nuclear power possibility, that Iran might also have one, and that many other smaller, unstable countries are likely to have nuclear power and, from that, access to nuclear bombs. How on earth can a reversal of policy come about this morning? This makes me feel that I should be sitting in a far corner of this House, rather than here on the Labour Benches.

Simon Hughes: The hon. Gentleman was kind enough to remind the House that my party does not share the slightly surprising cosy consensus between Labour and Tory Front Benchers, but may I reinforce the point he made that all the big mass producers of energy at present produce huge waste? The system has fantastic waste, which causes the emissions as much as anything else does. This is why the argument against renewables is so flawed. The waste from them is far less than from any other means, and their reliability is just as good as that of all the other sectors, including nuclear.

Paul Flynn: I accept that entirely. I am in a party that said in 2005 that nuclear was an unattractive option. It remains an unattractive option, and apart from the intensive lobbying that has been applied to both main parties I cannot think of anything that has changed. Nothing has changed, and we have a further example to mock the policy. In Finland, the new nuclear power station, and the prototype of what we will have in this country, is three years late. It was supposed to be generating electricity this year.

Colin Challen: We are told that heat waves of the intensity of 2003 will become a regular occurrence by 2050, yet the French will not say how many of their nuclear power stations were about to be closed in 2003. It is an official secret, but many of them would face closure at precisely the time when the demand for summer cooling will be at its highest.

Paul Flynn: I am grateful for that contribution. I am familiar with the French nuclear power stations, but may I move on to a French success: La Rance? It generates probably the cheapest electricity on the planet, and it comes from a 30-year-old tidal barrage system on a river. The turbines are still in pristine condition, and they are using the immense power of the tide.

Mr. Peter Lilley (Hitchin and Harpenden) (Con): The hon. Gentleman said that that French tidal power station has been there for at least 30 years. If it is such a success, why have the French not replicated it elsewhere?

Paul Flynn: There are many mysteries in the personality of the French people that I do not understand. Many of them are entirely impenetrable to me, but I have raised this point many times in my frequent visits to Brittany. Because the French have not done that, however, there is no reason why we should not. As the paper said yesterday, we have an immense possibility for using tidal power. The paper said that half the opportunities for tidal power in the whole of Europe are around our coasts. They are not all tidal either. There is also the flow of water between Guernsey and France; an immense amount of energy is flowing there 24 hours a day. It will carry on eternally and it is untapped. If we could utilise this power with a range of barrages around our coast—or

tidal lagoons, or just simple mills—we could have surges of electricity that would come when the tide flows around our coast at different times. We could tap that, too; when the surge of power comes in the early hours of the morning, we could use it to pump water up to the top of hills and downs and allow electricity to be generated for peak times.

The geographical position of these islands presents us with by far the best opportunity, and we should be taking it instead of throwing our money away at the nuclear power industry. Billions upon billions of pounds are being thrown at it—there was another £20 million this morning, just like that. There was also £93 billion for clearing things up, and uncountable billions to build nuclear power stations. In contrast, our investment in tidal energy and other marine energy is in sums of £60 million here and £50 million there. We have a huge opportunity that we are neglecting because of the conversion of both our main parties to supporting nuclear power for no rational reason.

We should look at our priorities again, as this is the way to solve our global warming problems, which we all agree it is important to do. We must look at the power of the tide. It will go on for ever. It is clean and does not produce a legacy of poisoned fuel, and it will add greatly to amenity features in the places where it is operated. The future should be tidal. It certainly should not be nuclear.

1.27 pm

Mr. Peter Lilley (Hitchin and Harpenden) (Con): It is a pleasure to follow the hon. Member for Newport, West (Paul Flynn), with whom I often find myself in strange alliance. However, I have to say today that, much as I respect his passionate opposition to nuclear power, if we add opposition to nuclear power to the unrealistic targets we already have, we will get from a dream world to fantasy land in terms of ever meeting the objectives the Government have enshrined in law.

John Mason: Does the right hon. Gentleman accept that, although that might be true for the United Kingdom as a whole, it is possible for Scotland to have renewable energy without nuclear power?

Mr. Lilley: That may well be the case and that is up to the Scots, but I am referring to the figures the Government have given out for the United Kingdom, and I am sure the hon. Gentleman does not want to ignore the rest of the world, let alone the rest of the UK.

The Secretary of State called for the maximum consensus in this House behind his policies. I have to say that all my experience in, and observation of the history of, this House leads me to think that its greatest mistakes have invariably been made when both Front Benches have been united, and even worse mistakes have been made when the whole House has been united. That is the case from Munich through the Child Support Agency to weapons of mass destruction. It is when the House failed to exercise effectively its adversarial functions that we have made the greatest mistakes. A widespread consensus invariably results in a reluctance to face up to inconvenient facts and difficult problems; instead, the House indulges in self-congratulation on its common good intentions. Good intentions are fine, but the road to hell is paved with good intentions, and I suspect that the road to Copenhagen is paved with good inventions. A lot of convenient facts—or factoids—have been invented to try to encourage us towards a destination that is probably unrealistic, and which we will undoubtedly not reach.

Colin Challen: I wonder why it would be convenient for politicians to want to invent climate change. Surely climate change is the biggest inconvenience to our normal politics that has ever been conceived of.

Mr. Deputy Speaker: Order. We finish this debate at 1.55 pm and a large number of Members, all of whom wish to speak, are still seeking to catch my eye. Could hon. Members bear that in mind?

Mr. Lilley: Politicians, having committed themselves to the idea of climate change, invent the reasons to justify it, and there is a tendency to demonise anybody who dissents from the consensus. I make a point of doing so, because I think it is helpful to have an alternative view expressed in this House. Outside the Chamber a very polarised debate is taking place, on blogs and elsewhere, between the alarmists—they are very well represented in this Chamber, and they believe that almost all the global warming observed over the past century is a result of man-made greenhouse gases and that the future will be even worse—and the deniers, who argue that as climate change occurred long before man appeared on the planet, the current climate change and that which we have observed cannot be down to man's efforts. I entirely accept that that is a complete non sequitur: the fact that man did not contribute in the past does not mean that he may not be contributing now or may not contribute in the future.

My view is, uncharacteristically, moderate and seems to take the middle way. It is somewhere in between the two positions, because although I believe that some of the heating that we have observed has been due to man's effort, I doubt whether it all has. I was a physicist in my youth, so I entirely accept that the presence of CO_2 in the atmosphere serves to keep us warmer than we otherwise would be, that a doubling of the amount of CO_2 in the atmosphere will, of itself, increase the surface temperature by about 1° C and that there are all sorts of feedback effects, notably the inclusion of water vapour, which is an even more powerful greenhouse gas. However, the models that are then used to suggest that there will be multiple effects far greater than the direct effect of an increase in CO_2 are unreliable. I used to produce econometric models, so I know that in all these models based on finding a correlation between two things, the only certain correlation one observes is between the prejudices of the person producing the model and the outcomes of that model; it is no surprise that most models produce the result that they do.

I am happy that we should seek ways of insuring against the costs that might result from climate change arising from increased greenhouse gases, provided the cost of insurance is not disproportionate to the benefits of mitigating climate change. I also welcome moves to more secure and diverse sources of energy for this country, but I believe that the claims that the scientific evidence is overwhelming and that the debate is ended are incorrect and exaggerated, that the damages supposed to result from rises in the global average temperature

[Mr. Lilley]

are exaggerated and that the cost of mitigating that rise in temperature is almost certainly understated.

I wish to say a bit about the science, and the argument that it is settled and that there is no dissent. As far as I know, only one comprehensive study has been undertaken on the views of climate scientists and it was carried out by Professor von Storch. He received replies from 570 climate scientists—members of the international bodies of climate science across the world—to his asking them whether they agreed or disagreed that climate change is mostly the result of man-made causes. More than half of those scientists—56 per cent.—said that they agreed, but 14 per cent. were unsure and 30 per cent. disagreed. So if the Government were to say that a majority of scientists agree with them, that would be correct, but to suggest that none disagrees is simply factually incorrect. In any case, it is absurd to suggest that science is carried out by majority opinion. When Einstein was told that 100 German physicists had—probably as a result of Herr Goebbels getting them together—signed a statement saying that his theory of relativity was wrong, he said that if it were wrong it would require only one scientist to prove that. The fact that uncertainty remains means that the science is still unsettled. Yesterday—I think that was when this was—the Prime Minister said that the science is irrefutable. If a theory is irrefutable it is not scientific. Scientific theories must be capable of refutation. If a theory is not capable of refutation, we are dealing with metaphysics rather than science.

Over the past decade, despite the predictions of the climate models and the fact that the amount of CO_2 being pumped into the atmosphere has exceeded expectations, no global warming has taken place—indeed a slight global cooling has occurred. I accept that one decade of the absence of global warming and of a slight decline is not sufficient to refute the notion that CO_2 is having a substantial impact. However, I must ask the Government a question: how many decades will be required before they are prepared at least to consider the fact that their climate models may be somewhat exaggerated? Clearly there must be other factors that they are not taking into account, which are at least masking and suppressing the global warming over the past decade. Of course, those factors might have been operating in the opposite direction in the previous three decades, when we did observe global heating.

The second issue is that of damaging climate change. I believe that the Secretary of State—although it might have been the Secretary of State for Environment, Food and Rural Affairs—proudly told us that it was an historic moment when the G8 agreed to define a 2° C rise in average global temperature as "damaging climate change", that that would be caused by the amount of CO_2 in the atmosphere increasing from the current 380 parts per million to 450 parts per million and that we were to prevent that from happening. The idea that we have got our fingers on a global dimmer switch and we can determine the average temperature is an example of human hubris that has rarely been matched in this Chamber.

It is also rarely stated that when the Government talk about a 2° C increase, they are not talking about an increase from now; they are talking about an increase of that order from the early 18th century—from before the industrial revolution. We have already had about two thirds of that increase in CO_2 since then. *[Interruption.]* Well, the increase has been from 280 parts per million to 380 parts per million, which is an increase of 100 parts per million out of a rise of 170 parts per million. The impact is logarithmic, so that should account for about 64 per cent., or about two thirds, of the global heating that would be expected to be induced by a rise to 450 parts per million. Thus, a rise of 1.3 ° C ought already to have appeared, whereas in fact only a rise of 0.8° C has done so. That leaves us with a rise of about a further 1.2 ° C to occur.

The Government are saying that a further one and a bit degrees centigrade rise in the average temperature of the world would be hugely damaging and that we must be prepared to sacrifice billions of pounds to avoid it. I pointed out the other day that the average temperature in Cornwall is more than 2° C higher than the average temperature in the north-east of England. Is it really dangerous for someone to move from Newcastle to Cornwall? Would it be dangerous if the north-east of England became as warm as Cornwall? Would it be dangerous if Cornwall became as warm as the Loire valley? That is what a 2° C increase—let alone a 1° C increase—would involve. It is not such a big deal. I accept that for poor and tropical countries a rise of that order is more serious, whoever causes it, and we ought to be prepared to help them. However, we ought not to kid ourselves that we are really facing Armageddon if this happens.

Finally, the Secretary of State said in his statement the other day that the impact of these measures on household budgets would be 6 per cent. In his White Paper, he says that the cost of renewables would put electricity budgets up by 15 per cent., on top of the 15 per cent. increase already, and that gas prices and household budgets would increase by 23 per cent. I cannot find the quantification of the measures that he suggests will reduce the impact on households—

Mr. Deputy Speaker: Order. The right hon. Gentleman has run out of time. I call Joan Walley.

1.40 pm

Joan Walley (Stoke-on-Trent, North) (Lab): I do not accept that the issue is whether we should do something about global warming. We are on the way towards the most important international agreement at Copenhagen and we should give every ounce of support to the Secretary of State, who is taking such a leadership role. Parliament should back all the work that he is doing now and will do at the international negotiating table at Copenhagen. I ask him to use the various reports that the Environmental Audit Committee has produced to highlight the detailed areas where we need to make progress quickly.

I was pleased that the Secretary of State referred to deforestation, the importance of stopping the illegal logging of timber, and how the deforestation agenda can be incorporated into the talks and agreements on climate change.

As my hon. Friend the Member for Morley and Rothwell (Colin Challen) said, the science is really important. The important question on some of the modelling that has been done is whether it is coupled or

uncoupled. The detail on that point is in some of the evidence that the Committee has received, and I ask my right hon. Friend to look at it urgently, so that we go to Copenhagen with the best and most reliable science.

Despite what we have just heard from the right hon. Member for Hitchin and Harpenden (Mr. Lilley), evidence given to the Committee suggests that we have only a 50:50 chance of not exceeding a temperature increase of 2° C. Anything over that increase would be catastrophic. We therefore have a higher chance of exceeding 3°, which is why it is so important that we get the science right.

It is no good doing everything that we can at Copenhagen to get the right policies if we then come back and do not do as we say. I commend the Government on the series of statements this week, including those on renewables and the low-carbon economy. We especially need to make progress towards the latter, given the state of the recession and the urgent need to restore the economy to the best position that we can.

As my hon. Friend the Member for Newport, West (Paul Flynn) said, the nuclear issue is important. The Government need to back winners and put their money on the renewable agenda, so that we can harness all the wind and water power that we have in huge quantities all around the British Isles. It is vital that this agenda is mainstreamed into everything that the Treasury and other Departments do. The Treasury should have a scientific adviser at the heart of its policy making, to influence the green book so that infrastructure expenditure provides not stranded assets, but assets that help us to deliver on the international agreement that I hope we will reach in Copenhagen.

It is also important that we stress the education agenda. All too often, only the initiated take part in these debates. We should be on a war footing on climate change and, so that everybody—including my constituents and those of every hon. Member—understands what they need to do in their industry or Department, we need to make information widely available. Last night, I visited St. Mary's school, which—like Burnwood school and other schools in Stoke-on-Trent—is attempting to become an eco-school. It is the young people who will show us how we can turn this agenda around and come forward with solutions for our future.

Finally, I ask the Secretary of State to include parliamentarians constructively in the run-up to Copenhagen.

1.45 pm

Mr. Peter Bone (Wellingborough) (Con): I am grateful to the hon. Member for Stoke-on-Trent, North (Joan Walley) for keeping her comments brief, and I shall do likewise to enable other hon. Members to speak. However, I have to tell the hon. Lady that I am more in agreement with my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) than I am with her.

First, I wish to thank my researchers Alex and Andrew for providing the background detail for my comments this afternoon. The Copenhagen climate change conference is an update on Kyoto, so that the world can unite and make a greener planet. However, there is much contradictory evidence about what is causing global warming. It is like rolling a set of dice—the outcome is uncertain. Some 1,000 years ago, for instance, Greenland was warm enough for the Vikings to have vineyards there, but today it is covered with ice. That contradicts the idea that global warming has been going on for ever and a day—

John Mason: Will the hon. Gentleman give way?

Mr. Bone: No, because I want other hon. Members to have the chance to catch Mr. Deputy Speaker's eye.

Research has just been published by NASA's Goddard space flight centre in Greenbelt, Maryland that argues strongly that the sun is causing global warming on a cyclic, 11-year pattern. It does not claim that man-made global warming has no effect, but the vast majority is caused by the sun. It also makes the point that the temperature is changing on Jupiter and Mars, and clearly that cannot be due to man-made effects. The Secretary of State did not address that point. It seems to be almost a religious belief that man is creating global warming, and that nothing else is responsible. However, I am not convinced that the science is there, and certainly the new research from such an august body as NASA needs to be taken on board.

I endorse what my right hon. Friend the Member for Witney (Mr. Cameron) has done. He has shaken the Conservative party up and put environmental issues at the top of the party's agenda. He has also installed as our spokesman my hon. Friend the Member for Tunbridge Wells (Greg Clark) who, very cleverly, has translated the ambitions and policies of my right hon. Friend into practical measures.

1.48 pm

Mr. Nigel Evans (Ribble Valley) (Con): Like other hon. Members, I will make a short contribution to an important debate in order to allow others to contribute.

I agree with the hon. Member for Stoke-on-Trent, North (Joan Walley) about the importance of the youngsters and their role in this issue. A week ago, I visited Brabins endowed school in Chipping to see the school presented with its fifth environmental flag. The children, supported by their teachers, parents and the community generally, have their own garden to grow their own food. They also make promises about what they will do at home to achieve a more sustainable future. That is the crux of the matter, because whether people agree with my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) that the science does not support the argument—so why do anything about it—or are totally convinced that something is happening and we need to do something about it now, no one can argue with the need for sustainability.

Fossil fuels will run out in the foreseeable future, whatever happens, and therefore it is only common sense to move towards a sustainable future. That means that there must be more research into and development of renewables. Some of us went to see that lovely electric sports car the "Lightning" in the House of Commons a few weeks ago. It can now do 198 miles before it needs recharging, and I hope that it will be developed and manufactured in the UK. Fortunately, President Obama wants a lot more research and development in battery technology. That is long overdue, and we need to encourage more to be done in that regard in the UK as well, in liaison with a number of other countries.

[Mr. Nigel Evans]

The hybrid vehicles now in production are far better than they were a few years ago. In the one that I tried the other day braking recharges the battery, and the car also has an indicator about how environmentally friendly one's driving is. My right hon. Friend the Member for Hitchin and Harpenden asked whether it was advisable to move from the north down to Cornwall because of the 2° difference in temperature, but the only danger would arise if one were to travel in the vehicle that my hon. Friend the Member for Wellingborough (Mr. Bone) owns. It is a biofuel car, but it is powered by the wrong biofuel.

We know that more research and development need to be done in biofuels, which in the future may well be an answer to the depletion of fossil fuels. For instance, there is an algae-based biofuel that is both much more productive and less damaging to the environment. Taken together, those two properties are superb, but what we do not want is the deforestation that the Secretary of State talked about. That deforestation is done to grow the crops to provide the fuels that people burn in their vehicles, so in some cases the environment is damaged more than it is aided. We therefore need to get the right balance on biofuels.

Conservation is also important in respect of travel. I know that Al Gore flies around the world telling the rest of us not to, but we have to recognise that many young people are going to want to travel. We cannot deny them the opportunity to discover what the rest of the world has to offer, but travel can be done in a more environmentally friendly way. Again, we need to encourage more research and development, and investment, in planes—such as the mixed-fuel one that Virgin revealed the other day—that use environmentally friendly fuels.

The Airbus A380—and the Boeing 787, when it eventually leaves the ground—will be far more environmentally friendly aircraft, but we must also ensure that aeroplanes have more people on them when they take off. That will mean that there will be no phantom take-offs just to maintain the slots at airports. We must make it absolutely certain that aviation is environmentally friendly.

I want to end with a plea. We mentioned China, and we know that India is developing as well. As they grow, both countries must play a full part in doing their bit in ensuring that theirs are low-carbon environments. There is a lot of poverty in both countries, so they have to grow: we do not want to deny them the opportunity to develop as we did in the past, but they must learn the lessons of our experience when it comes to destroying the planet.

To that end, and where we can, we must share technology with countries such as China and India so that they can benefit from the investments that we have already made. However, as China in particular adopts renewable sources to power the energy that it needs, we must encourage it to let some of the contracts to companies in Europe. Renewable sources include wind farms, hydro technology and other approaches, but we in Europe have the expertise that developing countries need. We need to have an opportunity to share that knowledge with them.

When it comes to nuclear power, again it is clear that we are talking about a mix. Such power generation must be part of the mix, although we must ensure that it is produced in an environmentally friendly and safe manner. We have dragged our feet for far too long on nuclear power, but nothing would be a greater disaster to industry in this country than if we were forced to turn the lights off in two or three years' time simply because we got it wrong.

1.54 pm

Mr. John Gummer (Suffolk, Coastal) (Con): First, if my right hon. Friend the Member for Hitchin and Harpenden (Mr. Lilley) is right, we will do no harm trying to clear up global warming because that is necessary anyway to meet the needs caused by the shortage of resources and so on. If he is wrong, he will lead the country and the world into dire disaster. So we must ignore him—as I have had to do for the past 12 years!

Secondly, we need nuclear power because we cannot leave anything aside in this battle. Thirdly, the Secretary of State must be pressed constantly on these issues. If he is going to be believed in Copenhagen, the first thing that he has to do is to introduce measures at home. That is why I press him yet again on hydrofluorocarbons, and why I demand that he does the things—

1.55 pm

One and a half hours having elapsed since the commencement of proceedings, the motion lapsed (Standing Order No. 24A).

Afghanistan and Pakistan

[Relevant documents: Fourth Report from the International Development Committee, Session 2007-08, on Reconstructing Afghanistan, HC 65-I and -II, and the Government response, HC 509.

Helicopter capability: oral and written evidence taken by the Defence Committee on 19 May, 2 June and 7 July 2009 (part of HC 434).]

1.55 pm

The Secretary of State for Foreign and Commonwealth Affairs (David Miliband): I beg to move,

That this House has considered the matter of Afghanistan and Pakistan.

The military operation in Afghanistan has now lasted for nearly eight years and has claimed more lives than the conflict in Iraq. It is important that we regularly discuss the situation there, and that is why the Government have scheduled this debate today.

Whatever the divisions in the debate, I know that in one regard the House is as united as the people of Wootton Bassett were on Tuesday. We are united in the belief that each and every one of our military personnel is a credit to the country, that each and every one represents a personal story of courage and bravery beyond the call of duty and, as we saw on Tuesday, that each and every loss is a source of raw grief that should never be forgotten.

Today sees the funeral of Lieutenant-Colonel Rupert Thorneloe, who was well known to a number of right hon. and hon. Members in this House. I pay tribute today to all of our soldiers, to the diplomats and aid workers who work alongside them, to our allies and partners who also operate in such difficult and dangerous circumstances, and to the many Afghan and Pakistani soldiers and civilians who have lost their lives in the defence of their country.

The defining mission in Afghanistan is simply stated: to ensure that, with al-Qaeda having been driven out of Afghanistan, it cannot come back under the safe umbrella of renewed Taliban rule.

The Prime Minister set out this mission in this House in December 2007 and in April 2009. It is the mission agreed by all NATO countries, which made this vow at the Bucharest summit last year:

"Neither we nor our Afghan partners will allow extremists and terrorists...to regain control of Afghanistan or use it as a base for terror".

The mission is also at the heart of the US strategy document published in February. In President Obama's words:

"And if the Afghan government falls to the Taliban—or allows al Qaeda to go unchallenged—that country will again be a base for terrorists who want to kill as many of our people as they possibly can."

The purpose of rehearsing this unity of mission is twofold—first, to underline the self-interest as well as the realism of our objectives and, secondly, to emphasise that this is a shared operation. The strategy is shared, so are the resources, and I will return to that point later.

Mr. Nigel Evans (Ribble Valley) (Con): The Foreign Secretary says that this is a shared responsibility, but many people in both the UK and the US are concerned that only a small number of countries bear what is a huge responsibility. Clearly, defeating terrorism benefits all countries, so what more can he do to encourage other countries present in Afghanistan to take more responsibility?

David Miliband: That is a good point. We have discussed so-called "burden sharing" on a number of occasions in this House. There are three aspects to the matter—the numbers of people put into Afghanistan, where they are put, and how much civilian resource is devoted to complement the work that they do. We support the hon. Gentleman's call for burden sharing, and the increased number of Polish, German, French and Australian personnel deployed since we last debated this issue here is noteworthy and should be recorded. That is not to say that the drive for burden sharing is over, and since we last talked in this House there has of course been the very large increase in the US contribution. I agree with the hon. Gentleman that the burden needs to be shared, but there are some encouraging signs. A number of the 41 nations are doing a very large amount of the work, and we need to continue to make the case that more should join us, on both the military and the civilian sides.

Sir Menzies Campbell (North-East Fife) (LD): Surely the risk is that, because the burden is not being shared properly, a two-tier NATO might emerge, in which some countries are willing to face the mud—or, in this case, the sand and the bullets—but others are not. Some countries send their troops to operate under NATO command, but others send theirs subject to such caveats that their effectiveness is very substantially prejudiced.

David Miliband: That is an important point. In truth, as NATO has grown, there has been much greater diversity in both the assets and the roles that different NATO countries bring and play. I continue to defend NATO enlargement, but obviously we must continue to ensure that the responsibilities of NATO membership are understood properly.

Mr. Edward Davey (Kingston and Surbiton) (LD): The Secretary of State will know that we share the Government's objectives for the mission in Afghanistan. However, I want to be clear about what he said about the Taliban. Clearly we cannot allow the Taliban to become the Afghanistan Government again, but does he think that we need to defeat them completely, or find a strategy to contain them so that they cannot be the threat that they have been in the past?

David Miliband: I like to think of the mission, which I have described, then the strategy and then the resources to address that. I shall address the hon. Gentleman's question about strategy in my following points. There is a widely shared basic agreement in this House that the strategy needs to be a military one and include governance, development and Afghan-Pakistan co-operation. As I shall show when I talk about governance, the reintegration of Afghans who are currently fighting with the Taliban but who are not ideologically committed to al-Qaeda is an important part of our policy. I absolutely assure him that I shall address that in some detail.

Several hon. Members *rose—*

David Miliband: I want to make some progress. This is a relatively short debate. I shall try to allow other Members to intervene later, but I am concerned that we do not end up with people being unable to contribute.

Mr. Deputy Speaker (Sir Michael Lord): Order. I thank the Secretary of State for making that comment. A huge number of hon. Members are seeking to catch my eye, and it would be very helpful if Front-Bench spokesmen could take a reasonable amount of time, but not too long.

David Miliband: Thank you, Mr. Deputy Speaker. I shall rattle through my speech at a faster rate.

Progress in the mission that I have described has four key elements that deserve special mention, the first of which is military. The goal is clear: for the Afghans to be able to defend themselves. However, until they can, we must help them, often on foot, but always in danger. Offensive military action, of the kind that I shall describe when I detail Operation Panther's Claw, is needed to root out the insurgents who continue to pose a major threat to the legitimate Afghan Government. Meanwhile, training, mentoring and development of Afghan security forces—2,000 people a month are currently joining the national army—is a core building block of a sustainable Afghan state.

The second key element is governance. Effective, legitimate Afghan governance, working with the confidence of local communities, to help them to shape their own future, with consistency, not corruption, at its heart, is the best antidote to the insurgency. I shall say a word about the elections later, but for now it is vital to be clear that effective governance requires space for all Afghans to have a political voice, including many of the Pashtuns who currently fight alongside the Taliban for protection or political power, but who actually belong inside the political system. That reintegration, or reconciliation, about which I talked in February, is not an alternative to military pressure, but its vital counterpart. It also needs to be led by the Afghan Government and supported by us, with the development, by Afghans, of systems of justice and dispute resolution that respond to the desire for predictable and non-corrupt justice, to which the Taliban so often—and so often brutally—respond.

The third key element is development. If the Afghan Government are to keep the support of the Afghan population, they need to respond to its needs and deliver meaningful economic and social progress. In the end, the Afghans want health care, electricity, clean water, jobs and economic development, alongside fair justice. In all those spheres, they need our help. The fourth key element is the link between Afghanistan and Pakistan, because the militants flow freely across the 1,600 mile border between the two countries. I shall not dwell at length on this today, but a comprehensive approach based on security, governance and development is vital in Pakistan too. In the past two months, Pakistan's fight has entered a critical phase, as I saw for myself last week. In May, in response to Taliban incursions into Swat and Buner provinces, the Pakistani military launched a major offensive and has now re-established its authority in the Swat valley, Buner, Lower Dir and Malakand, at the heavy price of several hundred Pakistani soldiers and some 2.4 million displaced people who are now beginning to return home. The military focus is now turning to Waziristan, including the leader of Pakistan's Taliban Baitullah Mehsud, who has claimed responsibility for a series of terrorist attacks against the Pakistani state. He is close to al-Qaeda and poses a dangerous threat to Pakistani and regional stability.

As we hold this debate today, we have for the first time mutually reinforcing strategies on either side of the Durand line. There is also co-operation between the international security assistance force, and Afghan and Pakistani forces across the Durand line, as I saw for myself in a joint operation centre at the Khyber Pass in April

Mr. Mike Hancock (Portsmouth, South) (LD): At the beginning of the Secretary of State's speech, he made the point that, in his opinion, al-Qaeda was no longer a threat in Afghanistan and had been beaten. Where is the evidence to support that statement, and is al-Qaeda not part of the problem in Pakistan as well?

David Miliband: I said that it had been driven out of Afghanistan and into Pakistan. The important thing is that we know that Taliban rule provided an umbrella and incubator for al-Qaeda. We also know that the 1,600 mile—2,600 km—border is porous in many places, which allows the flow across that border. I think that this is an ongoing struggle, until Afghan governance can be established on the Afghan side and the writ of the Pakistani authorities can run on the Pakistani side.

Paul Flynn (Newport, West) (Lab): Has the Secretary of State observed over the past eight years that every surge of troops has resulted in a surge of targets for the Taliban, and a surge of deaths? Only seven British soldiers had died up to 2006, only two them in battle. Can he not see that the reason why the Taliban are killing our soldiers is that they see us as aliens, the Ferengi, in their country, and that they want to die—in many cases, it is their dearest wish—in a jihad? We have given our soldiers an impossible, suicidal task.

David Miliband: I do not agree with that. Our soldiers represent a threat to the Taliban's previously unhindered authority in the south. The ungoverned space of the south of Afghanistan now has, for the first time, an attempt to establish some kind of legitimate authority. So I am afraid that I do not share my hon. Friend's view. The attempt to ensure that the southern part of Afghanistan is not a base for al-Qaeda, under Taliban authority, to use both to attack the rest of Afghanistan and us, is important.

Let me turn to Helmand, given its strategic location, which is the most dangerous province, accounting for a third of all security incidents in the country and a key part of Regional Command South. The majority of British troops are stationed there. Two major operations, one led by the UK, with Danish support, are now under way, so that some 70 per cent. of the population, in eight districts, come within Government control. Elections are possible in 10 of the 13 district centres. Operation Panther's Claw involves UK troops fighting to clear the Taliban stronghold of Babaji between the provincial capital Lashka Gah and the economic centre of Gereshk, where Danish troops are stationed to provide security.

That is a critical operation, first because the Taliban presence in the region is severely restricting movement for the local population between those two towns, and secondly because it will bring a further 80,000 people back under the authority of elected government. Reports from the area are that previously ungoverned territory is being successfully cleared. The insurgents are not just taking casualties, but we are reducing their capacity to strike at us. Recently, a significant number of improvised explosive devices and components were uncovered at a processing factory containing approximately 750 kg of precursor chemicals. Our troops can now engage with the local population in previously inaccessible areas. These people should also be able to participate in the elections in August. Furthermore, work is under way to identify stabilisation and development projects.

Further south, a US-led operation seeks to take Khan Neshin, the last significant population centre in southern Helmand under Taliban control. We extend our deepest condolences to the families of 109 American personnel who have lost their lives this year, as well as to the six Ukrainians killed when their helicopter was shot down in Sangin earlier this week.

Mr. David Laws (Yeovil) (LD): Will the Foreign Secretary give way?

David Miliband: I shall make some progress on this point, and then we will see how we are doing for time. High-quality equipment is, of course, vital for our endeavours. The Under-Secretary of State for Defence, my hon. Friend the Member for North Durham (Mr. Jones), will address in his winding-up speech any detailed questions about equipment that arise in the debate, but the following points are important.

Since the start of current operations, funding for urgent operational requirements has been used for significant improvements to force protection. That is all above and beyond the main defence budget. On my visits to Afghanistan, that investment has been highlighted by troops on the ground. It includes: first, money for key protective equipment, such as body armour and base protection kit; secondly, funding for 1,200 new vehicles, including 700 new and upgraded armoured vehicles further to improve protection against explosive devices; and, thirdly, money for helicopters. As my right hon. Friend the Prime Minister told the House yesterday, we have increased the number of helicopters by more than 60 per cent. over the past two years, and we have increased the number of flying hours by 84 per cent. More will follow.

Mr. Laws: Will the Foreign Secretary give way?

David Miliband: I just want to make a very important, different point; the hon. Gentleman should hang on. We are part of a coalition. We share the same facilities, and we share helicopters. All helicopters in southern Afghanistan are controlled by NATO's Regional Command South headquarters at Kandahar airfield. They are a resource for us, as well as for other nations. Requests are prioritised and allocated, whether the assets or the request comes from the UK, the US, the Netherlands, Canada, Australia or Romania. Therefore it is normal that the UK has access to other nations' helicopters, just as they have access to our hospital. That is the whole point of being part of a coalition.

Mr. Laws: I have listened carefully to what the Secretary of State has had to say. The Government keep repeating the line that there has been a 60 per cent. increase in helicopters over the past two years. I tell him that the people serving on the front line do not recognise that figure. Will he ensure that the Government make public their assumptions in coming up with the number of helicopters now, as compared to two years ago? If the Government insist on continuing not to do that in a fully public way, will they at least release that information to the Defence Committee?

David Miliband: I think that the hon. Gentleman answered his own question at the end, when he recognised that, for obvious reasons, we do not publish detailed numbers. I am sure that the Under-Secretary of State for Defence, my hon. Friend the Member for North Durham, has heard that point. The hon. Gentleman rightly did not name anyone who spoke to him to say that they did not recognise the increase in the number of helicopters; I am sure that if he contacts me or my hon. Friend with any of those details, they can be looked at, but that 60 per cent. increase is real, and the 84 per cent. increase in capacity is important, too.

Ann Winterton (Congleton) (Con): Will the Secretary of State confirm whether the helicopter that is believed to have been shot down earlier this week, with the loss of eight lives, was a NATO helicopter, or was directly leased, if that is the right word, by the United Kingdom? I understand that it was a supply helicopter, and the insurgents may well have believed that it was a Chinook.

David Miliband: I think that the hon. Lady is referring to the six Ukrainians who lost their lives when their helicopter was shot down earlier this week. I do not want to trespass on to operational details. I think that it would be better if we considered what we are able to say publicly about that incident, and then referred to the matter at the end of the debate. There is some information, but it does not quite tally with what she suggested. I suggest that we seriously take on board her inquiry, but right hon. and hon. Members will know that there are good reasons why we do not go into details here.

Sir Peter Tapsell (Louth and Horncastle) (Con): I quite understood the point that the Prime Minister put to us yesterday: it takes time to convert helicopters that have been operating in Iraq to deal with the conditions in Afghanistan. However, what baffles me about the present situation is that it must surely have been obvious to the chiefs of staff and Defence Ministers some years ago, when we went into Afghanistan, that there would be a great demand for helicopters; the Russians had 30 of them shot down in their 10 years there. So why was there not a massive increase in production of helicopters some years ago, instead of a cut in the helicopter budget?

David Miliband: I think that the hon. Gentleman knows that there has been a significant increase in the number of helicopters being tailored for the Afghan mission. I also return to a point that I made: NATO has many hundreds of helicopters available in Afghanistan—we do not go into precise numbers—but they are a shared

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resource for all members of the coalition. That is an important point as we discuss how equipment is used to support our troops.

Dr. Liam Fox (Woodspring) (Con): Has the Foreign Secretary made any direct requests of the German Government for battle-ready helicopters for Helmand?

David Miliband: I have had regular discussions with my opposite number, the German Foreign Minister, about the German deployment. We have also talked to the Germans about the helicopter fund that has been set up. As the hon. Gentleman will know, there is a significant debate in this House about the caveats that a number of countries have about where their forces or assets are stationed. The answer to his question is yes, we do discuss with all Governments their contribution. On helicopters, I would want to refer to detailed notes about the precise nature of the discussions. He will know that the German troop numbers have been increased to, I think, 6,500. That has been the focus of the German debate.

Mr. Peter Lilley (Hitchin and Harpenden) (Con) *rose—*

David Miliband: I think that this had better be the last intervention.

Mr. Lilley: I am grateful to the Foreign Secretary. Could he explain why, if there was an adequate number of helicopters for the needs of British troops, he is taking extraordinary measures to try to increase the numbers?

David Miliband: We are taking our own measures to increase the number of helicopters because—*[Interruption.]* No, it is because it is obvious that helicopters are an important part of the battle plan. *[Interruption.]* No, we wanted to increase it by 60 per cent., and we wanted to increase capability as well. Helicopters are a useful and important resource. I think that there is no division in this House about the utility and importance of helicopters in Afghanistan. However, the tragic truth is that the soldiers on foot patrol in Sangin last Thursday were doing a job that was necessary, and they could not have been replaced by helicopters or other vehicles. That is important.

Mr. Hugo Swire (East Devon) (Con): The Foreign Secretary has been rehearsing what is going on in Helmand in Operation Panther's Claw. He will know well that that depends on our troops being in forward operating bases, or FOBs, which have to be reinforced, very often by helicopter. I have just returned from Afghanistan, and a lot of our troops were saying that they are not getting necessary supplies because the helicopters cannot bring those supplies up to the FOBs. Is that something that he recognises?

David Miliband: I recognise the extensive work that the hon. Gentleman has done on the issue. Before this debate, I checked on the southernmost part of Helmand that I have visited, Garmsir, which he will know well. A forward operating base was established there after the Americans cleared it out. The information that I got back was that Garmsir continued to make progress, not just with regard to the market but in the area of governance. That is the latest information that I had. I wanted to check, following my experience there. If he has information that he wants to pass to me or to my ministerial colleagues, of course we will accept that, but I have not had any information of the sort that he describes.

A sustainable strategy requires us to build the capacity of the Afghan security forces. A British battalion runs Army mentoring for the Afghan national army throughout Helmand, including in the US areas. Some 4,000 trained Afghan soldiers are now based in Helmand, 450 of them fighting alongside us in Operation Panther's Claw. A sustainable strategy also needs follow-through on the civilian side. When our forces go into villages and districts in Helmand, they are followed by the Afghan national army and national police, and by civilian and military stabilisation staff, who work with local officials and tribal elders. We have doubled the number of civilian stabilisation staff in the country in the past year.

Mr. Bernard Jenkin (North Essex) (Con): Will the Secretary of State give way?

David Miliband: No, I will finish up now. The Helmand operation on the civilian side is run by the joint civil-military mission. It has British, American, Danish and Estonian civilian and military staff working alongside each other. The Department for International Development and the United States Agency for International Development have teams working closely together to create alternative livelihoods, including for former insurgents, and to reconstruct vital infrastructure.

Mr. Jenkin: I am most grateful to the Secretary of State for giving way. He is being admirably brief and very generous in taking interventions. May I report to him that when the Defence Committee took evidence on the comprehensive approach last week, Lord Malloch-Brown, a Foreign Office Minister, made it clear that Ministers were still "on probation"—his words—in terms of the Government's delivery of the comprehensive approach? There is no Cabinet secretariat for the comprehensive approach, no Cabinet Sub-Committee, and no sub-committee of the Ministerial Committee on National Security, International Relations and Development. How are the Government actually delivering the comprehensive approach, when Whitehall is simply not geared to deliver it?

David Miliband: There are two very clear answers to that. First, there is the Cabinet Committee structure, including Committees right up to the one that the Prime Minister chairs. Secondly and more importantly, however, as I said to the hon. Gentleman in our last such debate, the biggest proof of the joining up is the combined military-civilian mission in Helmand. That is where the joining up is most important; where civilian and military staff need to work closer together; and where the civilian and military staff need to work with the Afghan people. The proof of the joining up is in the area where it needs to make a difference, and in the end that is not in London, but in Helmand province.

Over the next few months, there are some critical milestones. In Afghanistan, as we try to build the capacity and legitimacy of its Government, the immediate priority is the elections on 20 August. Our objective is that these should be as credible, secure and inclusive as possible,

not only because they will be the first Afghan-led elections since the 1970s, but because they will determine the political direction of the country for the next five years. Given the security and political situation in which Afghanistan finds itself today, none of that will be easy, but we are working with the UN, the EU, the US and the rest of the international community to give the Afghan people the best chance that we can of them expressing their will.

That is why the British Government have agreed to additional troop deployments—to help those who want to vote to do so safely—alongside international and Afghan election observers. All the time, we must remember that our aim is to split the insurgency. The Taliban foot-soldiers must be convinced that the Afghan Government will be in charge in the years to come and can provide the protection and security that they want.

As the objective of our mission is our own safety, the ultimate test is our own safety, but there are important proxies for progress. NATO forces have trained 90,000 army personnel and 80,000 Afghan police, and they are now working closely alongside the international troops and civilian staff. The number of poppy-free provinces jumped from six to 13 in 2007, and this year it rose again to 18, representing more than half the provinces in the country. Cultivation was down by 19 per cent. last year.

School attendance or basic health care are not the reasons why we are conducting military operations in Afghanistan, but they are down-payments to the people of Afghanistan, and the increases in the number of students, from 1 million in 2001 to 6 million today, and in the number of people living in districts with access to basic health care, from 10 per cent. of the country to more than 80 per cent. today, are the building blocks of legitimacy and support from the Afghan people.

The Afghan people and Government do not want the Taliban to come back. With our help, they can be prevented from doing so. That is in their interest and in ours, and that is what we must achieve.

2.22 pm

Mr. William Hague (Richmond, Yorks) (Con): Since we last held a debate about Afghanistan, on 5 February, 41 British soldiers have lost their lives on operations there, and, as the House will recall, three of those recently killed were just 18 years old. It is fitting for us to remember today, as the Foreign Secretary did in his speech, their sacrifices and their families, and to pay tribute to their selfless courage. My hon. Friend the Member for Woodspring (Dr. Fox), the shadow Defence Secretary, put it very well the other day, when he said:

"We are fortunate that in a society without conscription we have people courageous and committed enough to put their lives at risk voluntarily for the security of their country and their fellow citizens."

As Members of Parliament, we should have the humility to recognise that the deployment of the British armed forces overseas ultimately rests on the consent and will of the British people, who make the sacrifices necessary to maintain those efforts; and it is therefore vital that the British public understand why we are in Afghanistan and support our aims there. That is why the recent public concern about British fatalities, and the questions of resourcing, should be of serious concern to all of us and, particularly, to Ministers.

We have occasional debates, as the Foreign Secretary said, and this one was announced on Monday after the recent casualties. However, I put it to Ministers that the Government would have done well to accept the proposal that we have consistently made over the past three years for regular, quarterly reports to Parliament on our objectives in Afghanistan, the benchmarks by which progress is measured and the success or otherwise in meeting those objectives and benchmarks. The Government speak occasionally of significant progress in Afghanistan, but the public and Parliament see little formal basis for such assessments other than assertions by Ministers. There would be greater public and parliamentary understanding of the situation if we had that regular updating of our objectives, a restatement of strategy, a reminder of the reasons for being there and a regular assessment of progress. It is not too late for the Government to institute such a quarterly arrangement, which, as I say, we have called for now for three years. Maintaining public support and understanding of our military and political efforts in Afghanistan is an important responsibility of government.

It is vital, too, that we are clear about what we are trying to do, and the Foreign Secretary was clear about that in his speech. We went into Afghanistan not out of choice, but out of necessity—to deny al-Qaeda the use of Afghanistan as a launch pad for training and planning attacks on western targets. It was a collective national purpose that was accepted by all parts of the House, and the consequences of failure are so serious for the whole region and the wider world that we have to do our utmost to make it work. So, although there have been what my right hon. Friend the Leader of the Opposition described yesterday as sometimes "lofty" and "vague" objectives over recent years, the Foreign Secretary has moved the Government towards defining our objectives in a more tightly drawn fashion. He said on the radio on Saturday that our objective is

"to ensure that Afghanistan can not again become an incubator for terrorism and a launching pad for attacks on us."

He said something similar to that just now. In our last such debate, I put it that our purpose is

"to permit the people of Afghanistan to decide their own future in a way that enhances their security and livelihoods without presenting a danger to the rest of the world."—[*Official Report*, 5 February 2009; Vol. 487, c.1044.]

I think that that is a fair assessment of what we are trying to do.

Paul Flynn: Osama bin Laden still has a safe haven in which to plan his attacks on the west, and the incubator for terrorism has moved. Can the right hon. Gentleman think of any way in which we can secure a military victory to ensure that that incubator for terrorism disappears? We have not made any progress in that area for the past eight years.

Mr. Hague: If the Afghan Government were functioning as we wanted them to, with the widespread consent and support of Afghan people throughout the country, and, if the writ of the Government of Pakistan ran properly through all its territory, we would be in a stronger position with regard to the problem that the hon. Gentleman raises. However, there is a fundamental disagreement about the issue, and I think that he has always been on the other side from the majority in this House. We

[Mr. Hague]

should respect that view, but, for those of us who believe that it was necessary to go into Afghanistan, most of us believe also that it is still essential to make the mission work.

John Reid (Airdrie and Shotts) (Lab) *rose—*

Mr. Hague: I give way to the right hon. Gentleman, the former Defence Secretary.

John Reid: Does not my hon. Friend the Member for Newport, West (Paul Flynn) illustrate how he misunderstands the nature of the conflict? There will not be a victory parade on a given day, in a given place, for a given, defined objective of territory. But, as long as we are denying al-Qaeda the capacity and space to attack us in the west, and denying the Taliban the right to impose their will on the people of Afghanistan by terror, we are winning.

Mr. Hague: That is an accurate reflection of our objectives, but the hon. Member for Newport, West (Paul Flynn) was also right to point out that we have not achieved them yet. I agree with the hon. Gentleman on that, so the issue before us is how we go on to achieve them.

My right hon. Friend the Leader—

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab) *rose—*

Mr. Hague: I am trying to make the progress that you called for, Mr. Deputy Speaker, but I shall give way to the hon. Lady.

Ms Stuart: Is it not also useful to remind ourselves that the objectives are joint objectives? The operation is an article 5 action, and a NATO operation.

Mr. Hague: That is an important point—it is indeed a NATO operation. As has been shown in this debate, many of us would like some other NATO members to make a bigger military contribution; all parties in the House have called for that for years. The hon. Lady is right about that.

I want to finish the point about proper assessment and the benchmarking of progress. In his statement in April, the Prime Minister said that in September, after the Afghan elections, there would be a review of the appropriate troop levels and the United Kingdom effort in Afghanistan, and I hope that there will be such an assessment in the round. One area on which it should focus is whether the additional powers given to the United Nations special representative for Afghanistan in March last year have resulted in improved civil-military co-ordination on the ground; such co-ordination will be essential as Operation Panther's Claw makes progress.

As things stand, Parliament has few means of monitoring progress on that essential area. To cite another example, it also has few means of monitoring the number of successful reconstruction projects completed in areas of UK responsibility. If there is to be a review in September, I hope that it will restate for the nation clear, tightly drawn, realistic objectives and restate and set out more clearly a strategy that includes sufficient attention to building Afghan capabilities, so that people in Britain and other NATO countries know that their troops will not be in Afghanistan for ever. I hope that that strategy will be agreed by all the principal allies now engaged in Afghanistan.

I want to press Ministers on three aspects of the Afghan campaign, and I shall try to do so briefly. They are troop numbers, helicopter capability and the follow-up to Operation Panther's Claw. It follows logically from having the right strategy that we should be confident that we have the right number of troops in Afghanistan to meet our military objectives and that those troops are properly resourced. An extremely damaging perception has crept in over recent years. Ministers' public assurances that our forces in Afghanistan will be given whatever they need are not upheld in reality. In the House this week, the Prime Minister said:

> "I repeat that I have been reassured by commanders on the ground and at the top of the armed services that we have the manpower that we need for current operations."—[*Official Report*, 13 July 2009; Vol. 496, c. 29.]

But on a visit to Afghanistan this week, the Chief of the General Staff said that the Army needed more "boots on the ground" to secure areas and win the confidence of the Afghan people. That echoes his reported remarks in March that 2,000 extra troops were needed in Afghanistan and that elements of 12 Mechanised Brigade had been earmarked for Afghanistan. In contrast, the Prime Minister announced on 29 April a temporary increase of 700 in UK forces. In the debate in February, we asked Ministers to bear in mind the overstretch of the armed forces when evaluating any request for additional troops—not that we were aware of any of the military advice that was then being given. That overstretch remains a serious factor.

It has been suggested in the press that the Defence Secretary's predecessor supported the deployment of 2,000 extra troops and that the United States was expecting the United Kingdom to deploy them. Indeed, it is said that of four options presented to Ministers, the deployment of 2,000 was clearly preferred among military commanders—something that the Government have never confirmed in public and of which the House has never been informed. However, the Prime Minister and Chancellor opted instead for an increase of 700, and for a tightly limited period.

When the Defence Secretary winds up the debate today, I hope that he will feel able to tell the House exactly what happened—what options were put in front of the Prime Minister and what criteria were used to reject the military advice to send 2,000 additional troops to Afghanistan. Ministers might have had valid reasons for rejecting the request. They might have decided to reject it because of the overstretch of the forces, because they thought that the military case had not been properly argued or because they did not want to accede to the request without other NATO countries increasing their forces. One can imagine reasons why they might make the decision, but it is important for them to explain those reasons frankly to the country, so that we can evaluate the policies of the Government on this matter. Ministers should explain the reasons for their decision.

In earlier debates, I have made the point that there should be a unity of command in a military sense for NATO forces in Afghanistan, but there should also be a

clear unity of command within the Government in Britain, so that everyone can be clear about which Minister is primarily responsible for our strategy in Afghanistan. General Dannatt said this week:

"We've got to think through the way that we operate, the resources we've got, the numbers we've got...to make sure that we're giving ourselves the...best chance of succeeding".

That suggests that these things have not been thought through so far.

The House and the country need to know who in the Government is in charge of the war on a day-to-day basis and who makes sure all the time that the issues raised by General Dannatt are thought through. If no Minister is in charge of Government strategy in the round on a day-to-day basis, should that situation not be put right by the Prime Minister?

Mr. Nicholas Soames (Mid-Sussex) (Con): May I read to my right hon. Friend the Prime Minister's reply to a parliamentary question in which I asked him who is responsible for determining the UK's strategy in Afghanistan? He said:

"I accept responsibility for UK strategy in Afghanistan. I refer the hon. Member to the statement I made to the House on 29 April".—[*Official Report*, 4 June 2009; Vol. 493, c. 639W.]

Mr. Hague: That illustrates the point, in a way. Clearly, the Prime Minister is not going to spend his entire day, on a day-to-day basis, consumed by these matters, but there should be a Minister in the Government who does spend his or her time in that way. Of course this requires Ministers to work together, but it also requires a clear sense of ownership of the strategy and the problem, and that is not evident at the moment.

Mr. David Winnick (Walsall, North) (Lab): Everyone in this House, from whichever party, despises the Taliban and everything they stand for. However, is the right hon. Gentleman really telling us, and the public, that if enough troops and resources were available the Taliban would be decisively defeated, perhaps over the next eight years, and never surface again? Is there not a danger of misleading the public?

Mr. Hague: I do not think it is impossible for us to succeed. If the hon. Gentleman is asking whether I think it is possible that we could succeed on the basis of the objectives that I have been talking about and that the Foreign Secretary clearly shares, on behalf of the Government, I do think that. I do not write off the possibility of success. However, it requires not only the necessary resources but one or two other matters that I want to deal with briefly in the remainder of my remarks.

Mr. Jenkin *rose—*

Mr. Hague: I will give way one more time and then try to finish.

Mr. Jenkin: I am grateful to my right hon. Friend. In evidence given to the Defence Committee last week, we were told that the Secretaries of State of the three key Departments currently represented on the Treasury Bench meet once a month. They have no Cabinet secretariat, and there is no formal Cabinet sub-committee. We would be making fewer strategic and tactical mistakes if there were a single Minister with full-time responsibility for the war in Afghanistan.

Mr. Hague: As my hon. Friend will have gathered, I have a great deal of sympathy with that point. A situation such as this requires the regular sharing of all assessments, thoughts and knowledge by the senior Ministers involved—I did not know that that happened only once a month; if that is true, it should be far more often—and a particular Minister who is responsible for the day-to-day concerns of this campaign.

Having covered troop numbers and ministerial direction, I want to ask Ministers about what has become the vexed public issue of helicopter numbers. Ministers have said repeatedly that that issue has been addressed, but it is hard to dispel the impression that that is not the case, particularly when only yesterday the Chief of the General Staff had to borrow a US helicopter to visit troops in Afghanistan. We recognise, of course, that up to 14 Merlin helicopters should be in service by the end of the year and that eight additional Chinook helicopters that are undergoing conversions should be available next year—although it is extraordinary that those Chinooks were delivered eight years ago and have not been in service in all that time. However, even if the numbers will be increased by the end of the year, that does not excuse the fact that now, while a major offensive operation is under way, not enough has already been done.

In the Defence Committee report published today, its Chairman, my right hon. Friend the Member for North-East Hampshire (Mr. Arbuthnot), says:

"It seems to us that operational commanders in the field today are unable to undertake potentially valuable operations because of the lack of helicopters for transportation around the theatre of operations."

Just as worryingly, the summary of the report states:

"Helicopter capability is being seriously undermined by the shortage of helicopters...capable of being deployed in support of operations overseas. We believe that the size of the fleet is an issue, and are convinced that the lack of helicopters is having adverse consequences for operations today and, in the longer term, will severely impede the ability of the UK Armed Forces to deploy."

That is an extremely concerning finding by an all-party Select Committee in a unanimous report, and it merits a considered response from the Defence Secretary.

Paul Flynn *rose—*

Mr. Hague: I will not give away to the hon. Gentleman again, if he will forgive me, because other Members wish to speak.

It is not as though this problem had not been noticed for a long time. My hon. Friend the Member for Woodspring, from within days of becoming shadow Secretary of State for Defence in December 2005, has been going on and on about the problem. He said on 15 December that year that the "most pressing requirements" were to do with

"shortfalls in the helicopter lift capability that is essential to our activity in Iraq, Afghanistan and elsewhere."—[*Official Report*, 15 December 2005; Vol. 440, c. 1467.]

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In October 2007, he told the House:

"At a time when our troops are facing a shortage of lift capacity in both Iraq and Afghanistan, that decision was astonishingly complacent".—[*Official Report*, 9 October 2007; Vol. 464, c. 208.]

He was referring to the decision to reduce the helicopter budget by £1.4 billion. He has been warning about the matter for many years, and it is not as though it had suddenly become evident that it is a problem. The Government's performance on this matter really has not been satisfactory, and it is no wonder that there is widespread criticism across the media and across the country of what they have done with regard to helicopters. People deserve a better explanation, and I hope that they will get it at the end of the debate.

The third issue on which I wish to press Ministers is the follow-up to Operation Panther's Claw. We have become familiar with a cycle in Afghanistan that is at the root of many of our difficulties. Territory is won by valiant armed forces after fierce fighting and the Taliban are driven out, but that is not followed by a swift wave of co-ordinated development, delivery of services and embedding of alternative livelihoods. That is not only because the international aid agencies are unable to work effectively in insecure environments but because the overall reconstruction effort in Afghanistan has been mired in duplication and confusion.

General McChrystal, the commander of US and NATO forces in Afghanistan, recently said that the strategy was

"to try to protect the people by getting amongst the people: what we call shape, clear, hold, and build. But the idea is that after we clear an area from insurgents, we'll hold it with security forces—Afghan and American—and then we'll start development projects. That's the 'build.'"

I hope that Ministers will explain at the end of the debate whether they are confident that while UK and US forces are clearing territory, the succeeding two elements of the strategy are this time definitely in place. They are absolutely fundamental to its success. Our armed forces are giving their all, and in many cases giving their lives, and they will be doing so in vain unless those two requirements follow on from their operations.

The Prime Minister said on Monday that as British forces continue the operation:

"Behind them will come Afghan forces, whose numbers I want to see raised very substantially over the next few weeks."—[*Official Report*, 13 July 2009; Vol. 496, c. 28.]

He is quite right to want to see them raised, but that implies that there are nowhere near enough of them at the moment. It seems urgent that agreement be reached with the Afghan Government about that element of the strategy, to ensure that the "hold" part follows the "clear", and that territory is held. I hope that the Defence Secretary will tell the House what indications are now emerging from the Afghan Government about their response to the Prime Minister's representations. Is it a difficulty that the Afghan army is usually sent on three-year deployments, and is there a case for more rapid turnover of some of its personnel on deployments into Helmand so that the numbers can be increased?

Will the Defence Secretary also provide assurances that detailed plans are in place for the "build" phase after Operation Panther's Claw? There should be actual plans in place to ensure that any military gain is translated into an enduring shift in the political and security situation in Helmand province, and the Department for International Development and the Foreign Office should be working together intensively—hopefully they are—and working with our NATO allies to achieve that.

I hope that the Defence Secretary will also clarify where our policy on dealing with opium production in Helmand now stands. This country has spent huge sums of money, hundreds of millions of pounds, on trying to eradicate that production, but the US envoy Richard Holbrooke said at the G8 meeting on Afghanistan:

"Eradication is a waste of money...It might destroy some acreage, but it didn't reduce the amount of money the Taliban got by one dollar."

In the light of that, where does policy now stand? There are British and American forces at work in Helmand, yet the policies of the British and American Governments on poppy production eradication seem entirely different. Surely they need to be brought into line if an effective policy is to be pursued.

I hope that the Minister can also tell us about progress on building up the Afghan army. The Prime Minister has set out the objective of building it up to 134,000 by late 2011. That must be the right thing to do. The speed and scale are crucial—they, along with a non-corrupt and sorted-out police force, will ultimately allow Afghanistan to take care of itself.

I want to make one point about Pakistan. Another lesson of the past is that insurgent groups melt across the border to regroup in Pakistan when they are hard pressed in Afghanistan. A significant difference is that the Pakistani army is engaged in intensive operations on its side of the border. We look to Ministers to confirm that co-ordination is taking place with the Pakistani authorities—I think, from the Foreign Secretary's speech, that that is happening—to ensure that the spillover effects of our operations in Helmand are anticipated and headed off, and insurgent groups are thus denied the breathing space that perpetuated the cycle of conflict in Afghanistan in the past.

Conservative Members want the clear pursuit of tightly defined objectives in Afghanistan. We want the Government to explain their strategy and their achievement—or non-achievement—of objectives regularly to the House and the country. We want the Afghan strategy to be reviewed in the round after the elections and co-ordinated with that of the United States. We want unrelenting attention to be paid to what the nation—and many hon. Members—believe are deficiencies in the number of helicopters provided for our troops. If "clear, hold and build" is the approach, we want to know that, in current operations, in which so many of our soldiers are making every effort, the Government are confident that we can hold and build as well as clear. That is the road to eventual success.

Several hon. Members *rose*—

Madam Deputy Speaker (Sylvia Heal): Order. I remind hon. Members that Mr. Speaker has imposed an eight-minute limit on Back-Bench contributions.

2.47 pm

Mr. Jim Hood (Lanark and Hamilton, East) (Lab): I was in the States last week with the NATO Science and Technology Committee, visiting the Harvard JFK school of government in Boston and discussing topics that

dealt with the priorities of President Obama's Administration and developments in Iran, Pakistan and Afghanistan. We also examined scientific advances, such as soldier nanotechnologies and cyberterrorism, and talked to experts in non-proliferation issues.

During that visit, we heard about the special operation that was taking place in central Helmand and the south of Helmand—Operation Panther's Claw. We heard the tragic news of the eight British soldiers and some American soldiers who had been killed in the operation, within hours of each other, in separate incidents. The numbness that the news created and the guilt that we all feel when our young men and women pay the ultimate price while putting their lives in harm's way were too awful for words.

However, it is not good enough just to say how sorry we are—and we are; how proud we are—and we are; how the fallen did not die in vain—they did not; or that the mission is defensible—it is. The families, in coping with their grief and loss, need a bit more than that from Parliament. They need to know that their loss is not in vain and that the terror that threatens every man, woman and child in every community in our country will be defeated—and it will.

Few in the House doubt the threat and the danger emanating from Afghanistan. Those who argue for our walking away and letting the Taliban return to power, with all that would mean for the security of our country and the rest of the western world, delude themselves if they believe that the terrorism we seek to defeat in Helmand would not come to the streets of London, Birmingham, Glasgow and other cities in our country. However, my support is not without criticism, particularly when I hear retired generals criticising their successors and/or the Government. We know them—they took the Queen's shilling when they were in charge, but they are now writing books, working for defence companies and being super-critics.

Afghanistan was where 9/11 was planned and executed from. Bin Laden was in the mountains with al-Qaeda in Afghanistan. The No. 1 priority for us all should have been to catch and defeat al-Qaeda and stop the terrorism on our streets, but sadly it was not. I believed then, and I believe now, that Iraq was a disaster—it was a side issue and had nothing to do with the 9/11 attack in New York. The world would be a different place today if we had taken on the Afghan mission then, as we should have. Nothing that I have heard since has changed my opinion on that.

I return to where we are today and what we need to do. The Foreign Secretary talked about the importance of the NATO mission, which has been accepted across the House. The Brits and Americans are leading the coalition, but they are providing troops disproportionately to other NATO members. That is just not good enough. Those who argue for the enlargement of NATO would have to convince me that the current NATO members have proven their worth before we look to enlarge further. There are still NATO members that are not sharing the burden in this mission.

I want to comment briefly on troop numbers, about which much has been said. Should we send 2,000 more troops, on top of the 9,000 troops who are already there? General Dannatt is reported as having requested 2,000 more troops. My view is that if he has argued the case for that, that case should be answered. If the soldiers on the ground are telling the politicians that they need 2,000 more troops, I would certainly support that request. Unlike the retired generals, I much prefer the views of the soldiers on the ground, and I would support them if they needed those troops.

I want to finish my brief contribution by putting a marker down about troop protection and care for our veterans. I started my contribution by saying that I had talks in Boston last week on soldier nanotechnologies. There is fantastic proven research into soldier nanotechnologies taking place now—technologies that will save lives and give protection to our soldiers, but which, until now, had relevance only in Hollywood science fiction movies. That new technology will not be cheap, and it may be that our defence budgets will have to be reprioritised. However, the question must surely be: why should we spend billions of pounds on a nuclear deterrent that does not deter, when we can spend a fraction of the £30 billion to £60 billion needed for renewing Trident and completely change the risk to our armed forces, saving lives and protecting our soldiers from serious injury?

I am a patron of a veterans' charity in my constituency called FEBA, or Forward Edge of the Battle Area. Troops returning from the battlefield need our support, and we have much to do to deliver on that moral duty to our armed forces. We read of statistics: for instance, 8 to 10 per cent. of soldiers who return to our community are in prison, while 25 per cent. of people sleeping rough on the streets are former members of our armed forces returning to our community. Sadly, many of our soldiers return with limbs missing and other serious disablements. However, many more return looking perfectly normal and re-enter our communities, and no one recognises the combat stress that they and many thousands more in our armed forces are suffering. Veterans' charities such as FEBA in my constituency are doing their best, but the Government, politicians and our communities in general need to do more.

2.55 pm

Mr. Edward Davey (Kingston and Surbiton) (LD): The hon. Member for Lanark and Hamilton, East (Mr. Hood) was quite right to remind us about the veterans who return from Iraq, Afghanistan or any other theatre of conflict bearing not physical but mental scars, and I hope that the charity in his constituency goes from strength to strength in supporting those soldiers.

There remains a broad consensus in this House on key aspects of the policy on Afghanistan. The key objective of the mission in Afghanistan to stop al-Qaeda was, and is, correct. We are right to ask that that objective be tightly defined, as the right hon. Member for Richmond, Yorks (Mr. Hague) did, and to ask exactly what it means in practice, but there is no doubt that counter-terrorism remains the stated reason for the war and, unlike in the case of Iraq, that is not being questioned by any of the main parties.

There has also been consensus recently on the need to change the coalition's approach in Afghanistan and Pakistan, and President Obama has provided the leadership to make possible such undertakings as troop reinforcements and the civilian surge in Afghanistan, and the encouragement of the Government of Pakistan

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to deal with the Taliban in their country and to back those efforts with expert counter-insurgency support and development aid. We shall wait to see whether those changes are successful, but we agree that they are correct. However, we can question the resources that either America or, in our case, Britain has put behind those changes.

There has of course been total consensus on our shared gratitude to, and admiration and deep respect for, our armed forces, and on the brilliant work of diplomats, UK civilians, aid organisations and others. We are filled with admiration for the great commitment that they show when carrying out their very difficult tasks. And of course we pay tribute to all those who have died. We remember them and their families in our hearts.

Any consensus on matters as serious as these cannot be a cosy consensus; it has to be questioned hard. When our troops have been engaged in a war for eight years, it is surely incumbent on this House to ask the toughest questions about the strategy and the objectives. I do not want the Foreign Secretary to think that our questions are rhetorical. We do not pretend to have all the answers, but we do want to see signs that the Government have some of the answers, and that they are working hard and fast to find the rest of them.

There is consensus on the broader aspects of the objective, but it has not always been clear how we would eventually achieve it. Sometimes, the objective has been described in rather vague language. I hope that notions of a western-style democracy and even of nation building have now been replaced. We need to focus on the counter-terrorism agenda more directly. That is not to say that we should give up other objectives for Afghanistan, particularly those relating to development. Those objectives for the international community should surely be there, whether or not our troops are there. We want to see Afghanistan's economy improve, its children educated, and so on, but that is not why we are fighting, and we need to be more honest about that.

Even working to a more limited, better defined objective of tackling an al-Qaeda terrorist threat to London, New York and elsewhere that has been trained for and organised from Afghanistan and the Pakistan border, we need to ask how we will know when that objective has been achieved. How will we know when we have neutered every al-Qaeda cell in that vast mountainous expanse? The normal explanation is that, once there is stability in Afghanistan and Pakistan and once they have Governments who will themselves take on any terrorists that might threaten us, it will be mission accomplished—if one dare use that phrase.

Indeed, a second part of our Afghanistan objectives, according to the Foreign Secretary, has increasingly become to provide a level of stability to prevent the dangers of a failed state, which Afghanistan clearly has been and Pakistan has at times threatened to become. That prompts further questions about the stability we are seeking. What is the level of stability at which a state is deemed to be functioning well enough to reassure us that terrorists will be expelled or arrested by that Government? I find it difficult to describe that point except in terms that make me wonder whether we could ever achieve it, particularly in Afghanistan.

John Barrett (Edinburgh, West) (LD): Does my hon. Friend agree that if a degree of stability is ever reached in some of those hostile territories, a military presence will still be needed, but in the longer term such a presence will have to be provided by the Afghan army so that at some time our troops can come home?

Mr. Davey: I absolutely accept that and I shall come back to the subject later.

There are tough questions surrounding our views on the Taliban and on the intentions we think they have to foment and protect international terrorist organisations like al-Qaeda. Is the conservative Pashtun nationalism that characterises much of the Taliban inherently jihadist? The Taliban may be deeply unattractive and unpopular with many Afghans, but do they represent an inherent threat to us and other countries? Is there any intelligence assessment to tell us that the Taliban might agree to fight al-Qaeda themselves, if only ISAF—the international security assistance force—were to withdraw from the south of Afghanistan? How would that be viewed in relation to the objective of ensuring stability in Pakistan? These strike me as not unreasonable questions to ask. I am simply asking for far more honesty and rigour in how we approach the definition of our objectives.

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): Has the hon. Gentleman considered this point? He and I think most of the speeches so far, have concentrated on the situation in Afghanistan when we know that during the last couple of years there has been an enormous spread of the Taliban in Pakistan, which is also associated with al-Qaeda activity? Will he comment on the implications for the much more serious situation in Pakistan if our efforts in Afghanistan were to fail? If the Taliban, still supporting al-Qaeda, were able to resume control, that would not only be bad news in Afghanistan but make the task of the Pakistani Government infinitely more difficult, with far more ominous consequences for the rest of the world.

Mr. Davey: The right hon. and learned Gentleman is absolutely right to say we need to fight the Taliban in Afghanistan in order to support the Pakistan Government in achieving what we have asked them to do, but that still prompts the question of when sufficient stability will have arrived in southern Afghanistan to provide an acceptable level of stability in Pakistan. I accept his point, but it still raises other questions, which are precisely those I am seeking to raise.

The political stability required to provide us with sufficient security from a repeat of al-Qaeda terrorist attacks might have quite a messy, chaotic and confused aspect. It may well be that that type of political stability could be provided by a state that is relatively weak. That is why I am trying to tease out from the Government whether they really expect a western-style strong democracy to provide the political stability we need or whether there is some other shape to it.

I believe that we are sometimes in danger of suggesting that we have to defeat the Taliban totally and everywhere in order to win and then withdraw our troops, but that does not seem to me to be realistic. We need to focus for part of the time on how best to contain the Taliban with strengthened Governments in Kabul and in Pakistan.

Mr. John Hayes (Orpington) (Con): The hon. Gentleman is right to make the point that we should begin to lower expectations about the eventual outcome. Our former ambassador, Sir Sherard Cowper-Coles, made the point that we could not expect a western-style democracy suddenly to spring out of the soil in Afghanistan and that something much less than that might be all that was necessary for an exit strategy.

Mr. Davey: I thank the hon. Gentleman for those points.

When we think about our counter-terrorism strategy more widely I believe this point becomes clearer, because the terrorist threat we face in Britain does not uniquely live somewhere confined to the mountains either side of the Durand line. As we have seen, that threat can come from our own towns and cities and it can be fomented as much by our presence in a foreign Islamic country as by our absence. My guess—honestly, it can only be a guess—is that our deployment so far has been an effective part of our wider counter-terrorism strategy: by denying al-Qaeda its previous space, ISAF has made our citizens appreciably safer. However, the job of Ministers is not to guess but to ask for intelligence assessments to decide which strategy makes the country safer.

I presume that the Foreign Secretary sees spine-chilling accounts from the intelligence services of how many al-Qaeda fighters are in the region, and how many hundreds or thousands of foreigners are travelling from all over the world to join their jihad against us. When was the last time that he or the Prime Minister assessed, against the evidence and intelligence, the progress of our policy on Afghanistan in achieving its central counter-terrorist objectives? Have the Government assessed whether Operation Enduring Freedom and the ISAF deployment is the best way to use our resources to make Britain and the world safer? Ultimately, can Ministers assure us that there is a serious remaining threat to Britain and the world posed by al-Qaeda fighters, if they are still there, and from the danger of a failed state in Afghanistan or Pakistan leading to the resurgence of an al-Qaeda threat? Unless that threat remains, is real, and can be tackled by our presence, the mission's objective is undermined—I do not believe that it is, but we need to be reassured that the Government are asking such questions of our intelligence services and military.

On resources for our troops, the three charges made against the Government relate to helicopters, vehicles and troop numbers. On all accounts, the Government have at best been slow to address those issues, and at worse made serious errors.

Paul Flynn: Is there not a grave danger that if troop movements take place more in helicopters in future, we might see a repeat of what happened during the Russian invasion when 20 helicopters were shot down? Were that to happen, we might see our soldiers dying not in twos or three, but in 30s or 40s?

Mr. Davey: I do not have the full information to answer that question, because I do not know the full weapon capability of the Taliban, but my right hon. and learned Friend the Member for North-East Fife (Sir Menzies Campbell) informs me from a sedentary position that they do not have the weapons that the Mujaheddin had against the Russians and their helicopters. I defer to others on the exact details.

Sir Menzies Campbell: It might also help my hon. Friend, in his consideration of the matter, to know that the defensive aids available to helicopters are much more sophisticated now than they were during the Soviet invasion and occupation.

Mr. Davey: Indeed. Let us be clear that the role of helicopters is judged to be crucial by everyone across the House. Those of us who want to criticise the Government for failing to provide sufficient helicopters in a timely fashion are right to make that challenge. The all-party Defence Committee report published today has gone into huge detail: parliamentary colleagues talked to soldiers, commanders and other experts, and found that we have not been ensuring that the helicopter fleet is ready. The report is alarming—though it does not use alarmist language—in concluding:

"We were concerned both by the proposed reduction in the size of the fleet, and by the emergence of a 'capability deficit' ahead of the introduction of newer helicopters."

That is extremely serious. I hope that whichever Defence Minister responds to the debate, some of the Defence Committee's criticisms will be addressed.

Ms Gisela Stuart: It is right to question the Government, and to criticise if fault is found. Does the hon. Gentleman agree, however, that in a week when eight dead soldiers were returned, three of whom were so young that they were still in primary school when the Afghan conflict started, politicians should not create the impression that the casualties would not have been inflicted if only we had the helicopters? We must be sensitive.

Mr. Davey: I completely agree with the hon. Lady.

Mr. James Arbuthnot (North-East Hampshire) (Con): The hon. Member for Newport, West (Paul Flynn) said, perfectly fairly, that because a helicopter contains a large number of people, it can cause a large number of deaths at any one time. That is true. Provided that the helicopters are available to them, commanders on the ground will need to weigh the risks in the balance, and decide whether one method of transport is safer than another.

Mr. Davey: I agree. I believe that such decisions should be made by the soldiers and commanders on the ground, not by us in the House of Commons. Our job is to provide them with the necessary resources in the first place.

My hon. Friend the Member for Yeovil (Mr. Laws) asked a question that did not receive a reply. If, for some reason, it is dangerous for the figures relating to the absolute number of helicopters two years ago and the present number to be in the public domain—of which I am not entirely convinced—surely those figures can be shared with members of the Select Committee so that they can, on our behalf, hold the Government to account for the statements that they are making about helicopters.

Mr. John Baron (Billericay) (Con): The shortage is serious for a number of reasons, many of which have been aired this afternoon. If commanders on the ground are given the option of moving troops by air as well as by road—we saw plenty of that in Northern Ireland—and if there are not enough helicopters, many victories on

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the ground will become pyrrhic if we do not dominate the ground afterwards. That is what we are currently seeing in parts of Afghanistan.

Mr. Davey: I share the hon. Gentleman's view.

Ann Winterton: Will the hon. Gentleman give way?

Mr. Davey: I am sorry, but I want to make some progress. I do not want to take too much of the House's time: I want others to be able to speak.

When it comes to troop numbers, the case against the Prime Minister's judgment seems even stronger. As was pointed out by the right hon. Member for Richmond, Yorks, the chiefs of staff appear to have put to the Prime Minister a recommendation—not an option—in stating that the provision of 2,000 extra troops was their preference. It appears that cost was a key issue in the rejection of their recommendation. If that is not the case, the Secretary of State can stand up at the Dispatch Box and deny it, but so far we have heard no denial of those reports, although the charge is fairly serious. I hope that the Secretary of State will at least try to respond to it when he winds up the debate.

I do not think that anyone is arguing that a reinforcement of 2,000 troops would have transformed our fortunes in Helmand—of course it would not—but it is clear that more troops would have helped to do the job of winning more territory ahead of the key elections. However, even more troops cannot help if there is no link between their presence and the political solutions that we are trying to achieve. General McChrystal is at least trying to stop the military part of the campaign from making the political solutions more difficult with his instruction to reduce the number of civilian casualties.

More should have been done much earlier to prevent civilian casualties. When the hon. Member for Newport, West (Paul Flynn) asked about the number of casualties in February this year, the Foreign Secretary promised to write to him with the best estimate that the Government had. Perhaps the Secretary of State will tell us what that figure was, and whether there is any update.

Of course, a political solution through our military presence means doing much more than simply limiting the collateral. We are told that the civilian surge is key to that, and is being developed and improved, but the critical question must be "What is the involvement of ordinary Afghans in that surge?" The Foreign Secretary has rightly talked about "Afghanisation" of the efforts, but I want to hear in far more detail how that is being implemented.

The Secretary of State for Defence (Mr. Bob Ainsworth): Of course General McChrystal is right to place the emphasis where he does, but I hope that the hon. Gentleman would not try to give the impression that we have been cavalier about civilian casualties in the past. We have done all that we can to avoid them, and we investigate them thoroughly whenever they arise. The Taliban kill far more Afghans than our forces do.

Mr. Davey: I can reassure the Secretary of State that I agree with him on that point, but I hope he accepts that there have been many reports suggesting that the Americans have been rather more cavalier than the British forces in that regard. I think that that is why General McChrystal—not me—gave that instruction.

Paul Flynn: Will the hon. Gentleman give way?

Mr. Davey: I beg the hon. Gentleman's pardon, but I am not going to take any more interventions.

I assume that Governor Mangal is central to organising the civilian surge, at least in Helmand; but is he? I think we need to know about the nature of the involvement of the Afghan people. The civilian-military operations may have a great deal of British and American input, especially in terms of finance and specialist skills, but can we be told in the winding-up speech how many Afghans are working with these teams, and how are local fears of being branded a collaborator should the Taliban retake a village or town being overcome? That is critical to achieving the local political solutions we need, and we cannot move from the military to the political solutions unless we deal with that fear.

Part of my concern about the current strategy—if we can call it that—is that one rarely hears a convincing description of what shape the political solutions envisaged in Washington, London, Kabul and elsewhere will take. The elements are there and they are repeated often. They include the following: the elections in August; the emphasis on having local political solutions, which is vital given the reality of decentralisation in Afghanistan; the importance of building the Afghan national army and police force; and the investment in non-narcotic agriculture. Yet it all seems to lack coherence. Perhaps General McChyrstal will bring some coherence after he has completed his current review, which will presumably take into account the election result. However, one has to ask some serious questions about whether the Government are playing their full role in making sure that everything is coherent.

On the elections, how is ISAF planning to judge whether they have been a successful exercise that confers genuine legitimacy on the victor? With half the population registered to vote at the last estimate, and with widespread accusations of fraud in some provinces, do Ministers believe this election can provide the springboard that we all hope for? One also has to ask searching questions about security and the international monitoring of the campaign and polling day itself. When he replies to the debate, can the Secretary of State say a little more about the preparations for this election, as that is clearly a critical part of the journey to political progress?

In describing that political progress, I would like the Foreign Secretary and the Defence Secretary to say a little more about how they view the role of the Taliban. Have the Taliban been engaged in any shape or form by our diplomats or security services? Are there any successful attempts that Ministers can point to of having engaged parts of the Taliban and peeled them away? If there are such examples, we need to hear about them, because the plans for reconciliation and a political solution depend on it. We need the Government to address those questions, otherwise concern will remain about the direction we are taking.

My final remarks relate to Pakistan. It appears that some progress has been made; either through persuasion, bribery, reassurance or simply of their own volition, the Pakistani Government appear to have grasped some

difficult nettles, and they deserve credit for that. Our Government are therefore right to proffer our strong support, with development aid and counter-insurgency expertise. As the Foreign Secretary noted, providing assistance to the refugees of the fighting is also critical. The better co-operation we have seen between ISAF and Pakistan, and between Presidents Karzai and Zardari, also bodes well. Do the Government think that can be sustained, and how are we helping in that, and does it mark the strategic shift we all want? We have heard about the Pakistani army now patrolling parts of the border to stop the Taliban regrouping in Pakistan. That is fantastic, but can it be sustained?

The better relationship between Pakistan and Afghanistan points to what we need in the wider sense—the inclusion of all the region's players to create the solution. Secretary of State Clinton deserves a lot of credit for trying to do that. Everyone is aware of the many historical and political sensitivities that arise in any one of the region's players being involved, such as India's disputes with Pakistan over Kashmir, and the fact that the Iranians, who have been extraordinarily helpful in the west of Afghanistan at different times, have many arguments with Britain and America. We need to find the diplomatic skills to see beyond those historical sensitivities and disagreements, in order to find a solution that will work in Afghanistan.

I believe that President Obama, Secretary Clinton, Richard Holbrooke and General McChrystal have produced something that we can all rally behind—ISAF and the many countries involved in this enterprise. We are now entering a critical phase, and the effort, the extra resources and the extra political capital put behind it now need to be made to work. The Government know they have the support of all the main parties on this, but they have got to start answering more searching questions to make sure they retain the support of the country.

3.20 pm

John Reid (Airdrie and Shotts) (Lab): I declare an interest, as registered. May I begin by expressing my condolences for every one of the young men and women who have given their life or sustained injury in the cause for which we sent them? We should remember them every moment of every day.

In the limited time available to me, I wish to touch on the questions before the House, which concern strategy, resources, Government posture and the nature of the conflict. The strategic objective, which has been the subject of much discussion here, has been clear from the beginning. It may have been formulated in different ways, but it is as follows: to protect our country's security by assisting the democratically elected Afghanistan Government to reconstruct their civil, political, military and economic capacity.

In order to achieve that objective, there are two short to medium-term aims and a longer-term objective. The short to medium-term aims are: first, to prevent the Taliban from once again using Afghanistan as their own Government through imposition, by terror and force, on the people of Afghanistan; and, secondly, to prevent that shield from allowing al-Qaeda to use Afghanistan as a space in which it can plan, rehearse and launch terrorist attacks outside Afghanistan's borders. The longer-term strategic objective is, of course, to help build an Afghanistan capable of self-government domestically and of securing its borders from internal or external infiltration and threat. There have never been the heightened expectations to which several people in this Chamber have referred; nobody ever thought that we would create another United Kingdom somewhere next to Pakistan. I used to say that we do not believe that we are creating Hampshire—or New Hampshire—near Kabul. Any development on the civil, political and military side will have to bear in mind the culture, history, traditions, beliefs and limitations of Afghanistan's tribal society. So let us put that in perspective. It is right that we should be clear in our aims, but I do not believe that we have ever been that unclear that we thought we were creating a western democracy.

Secondly, there are some myths and misconceptions about resources. The initial configuration—

Mr. Jenkin: Will the right hon. Gentleman give way?

John Reid: I will do so once, but I am very limited in my time.

Mr. Jenkin: I have been listening carefully and seeking to hear from the right hon. Gentleman what the strategy is. What he has outlined is a series of aspirations, but as Professor Richard Holmes would put it, this campaign seems to be long on aspirations and rather short on coherent strategy—on how we are going to achieve those aims.

John Reid: I think that the hon. Gentleman is entirely wrong. What I outlined, in slightly less than a minute and a half, was the strategic objective and the short and longer-term means of achieving it. I did precisely what he asked for; I did not give a list of aspirations; I gave a list of objectives, which is what a strategy is about. Beyond the grand strategy of politics is the military strategy of how to achieve it, and behind the military strategy are the planning assumptions and the resources necessary in order to achieve that.

That is why I turn now to resources. Let me tell the House that the configuration that we sent in to Helmand province in 2006 was not, contrary to some of the statements made in recent days, chosen by politicians. That configuration—that series of resources, in shape, capabilities and numbers—was decided upon by the chiefs of staff. Secondly, its funding was not refused by the Treasury. It was my job, as the then Secretary of State, to get it fully funded, and one of the three conditions that I laid down before we went into Afghanistan was precisely that the Treasury would fund it.

Having said that, since then there has, of course, been a change of tactics by the Taliban, a change of circumstances and a change in the mission itself, in some ways. So people are right to ask whether the current resources meet the current tasks, notwithstanding the fact that they have met the tasks in the past. We are right, therefore, to ask the Government to keep an open mind. No plan survives the first contact with the enemy, and as the enemy changes in response to our actions, and the resources we need are different or greater, it is the obligation of Government to supply the resources that the military thinks that it needs to accomplish the objectives set out. I hope that the Government will do that. I am not in a position to decide on what

[John Reid]

Sir Richard Dannatt or anyone else requested, but when we ask young men and women to risk their lives at the front, we should ensure that they have the resources to minimise those risks.

I wish to tackle another myth—that I at any stage hoped, predicted, expected, promised or pledged that we would leave Afghanistan without firing a shot. It is not true. No matter how often the press repeat that, they cannot make an untruth truthful by constant repetition—although Goebbels recognised that if an untruth were repeated often enough, people might come to believe that it was the truth. In fact, to the contrary, I insisted that were great threats in Afghanistan. Indeed, I refused to deploy the troops for four months beyond the original date because we did not have the configuration necessary—the Dutch were not in Oruzgan province to protect our northern flank.

I could give quotation after quotation, but I shall make a couple suffice. The other day I said:

"I did, however, insist that we would not be aggressors. We did not seek war. We did not go there as part of an invasion. For our part, we would be happy to go and work with the Afghan Government and leave without firing a shot."—[*Official Report*, 13 July 2009; Vol. 496, c. 4.]

But the Taliban wanted to destroy that which was being created and we were therefore forced to defend ourselves, which we did with great vigour.

I said three years ago that

"only someone who is dreadfully naive would think that we will be allowed to carry out ...the NATO task, in which we will be involved when we go to the south...unhindered by any attacks."—[*Official Report*, 23 January 2006; Vol. 441, c. 1159.]

Earlier, I had said:

"I stress that wherever NATO troops are in Afghanistan they may be liable to attacks from insurgents. If they are attacked by insurgents and terrorists, of course we will defend ourselves—that is the nature of the rules of engagement and of our remit."—[*Official Report*, 12 December 2005; Vol. 440, c. 1093.]

I hope that the House will forgive me for raising these points. All hon. Members, as politicians, are used to being misrepresented, but it does not usually happen on a subject as sensitive as this, when there are families grieving for those who have died and who expect us to set the record straight.

If we do not understand the nature of the conflict, we will not understand whether we can win, what is the nature of "victory" and whether we are making progress. I commend to the House the thoughts of several British generals, but especially those of General Rupert Smith, who describes the nature of the present conflict as the "struggle among the people". That is what we are engaged in, and the nature of the victory therefore lies not in the traditional victory parade on a definite date with a definite piece of land secured, but in preventing the Taliban from enforcing their will on the Afghanistan people, by excluding al-Qaeda and by securing our country's safety. But it is a continuing struggle that will go on for a considerable time. Nevertheless, it is important that we believe that we need not be there indefinitely. Part of our aim in our strategic objectives is to allow the people of Afghanistan, through their own Government, to continue that struggle when we are gone—in the way that the people of Iraq are doing against the internal enemy.

Military force has no utility on its own. It only has utility in pursuit of a political objective. So when we have a military surge—as we are having now, and I welcome that—we need to bear in mind that at some stage we will also need a political surge. If we are to achieve some form of stability in Afghanistan, that political surge means that we will have to deal with, talk to and perhaps incorporate among those who govern Afghanistan those tribal elements and those elements of the Taliban who are opposed to al-Qaeda. In other words, we must help to build a hybrid state there.

In short, there is no military solution. The military are there only to accomplish the political objectives that we have laid out. Our aim is to enable Afghanistan to continue on its own so that it can build a civil society and develop its own economy and security. Above all, we want a better society for the people of Afghanistan. In working for that, we can make sure that our front line in Afghanistan protects the people in our communities and country.

3.30 pm

Sir Malcolm Rifkind (Kensington and Chelsea) (Con): The right hon. Member for Airdrie and Shotts (John Reid) is right to say that the conflict in Afghanistan has changed over the past eight years. It is much more serious than was anticipated, and that has given rise to a degree of public concern. However, although we recognise that there are real problems in Afghanistan, it is important that we are careful to ensure that they are not presented in a way that makes public concern greater than it need be.

I think that the British public are pretty robust about Afghanistan. The situation is very different from the one in respect of Iraq. The nation was not divided about the intervention in Afghanistan, and questions of legitimacy have never been a serious issue. There was confusion at first, when the British and American Governments appeared to give equal weight to eliminating the poppy trade, getting rid of corruption and improving human rights as to the fundamental task of removing al-Qaeda's opportunity to operate. That problem was resolved a year or so ago, since when there has been much greater clarity. I very much welcome that, as it is much to be desired.

However, it is also important to recognise the public's attitude to fatalities. There is a debate about whether more helicopters might have reduced the number of deaths in Afghanistan. I very much agree with what the hon. Member for Birmingham, Edgbaston (Ms Stuart) said a few moments ago, and we are foolish if we sometimes give the impression that people die in war because the Government of the day have made a mistake, or because the armed forces have done something wrong.

Wars today are not much changed from those in bygone years. Large numbers of people die, and we can never know whether an extra helicopter would have prevented an individual fatality. It is foolish even to try to identify the answer to such a question. We have had terrible fatalities in Afghanistan, and every life lost is appalling. Some 47 of our people have lost their lives in the current year, but it is worth remembering that the US forces—even with their massive resources, large numbers of helicopters and all the other facilities available to them—have lost 109 people.

Since the campaign began, the UK has tragically lost 184 soldiers, but the US has lost 739. The Canadians, whose commitment is far smaller than ours, have lost no fewer than 124 troops. Our public are well aware of that, but we must remind them that people lose their lives when wars break out. People are rightly paying tribute to the awful loss of life that has happened, but they are much more robust than we sometimes give them credit for. They realise, as they did during the Falklands war, that death is inseparable from any serious war with proper ends and a proper approach.

Lord Owen said recently that he believed that the conduct of the war was inappropriate and that there was a need for what he called an "overlord". He suggested that Lord Robertson should be brought back to be the overlord for the various Departments involved in the conflict. I have great respect for Lord Owen. I usually agree with his remarks, but not on this occasion. Overlords have been tried before—Sir Thomas Inskip in the 1930s is one example—but they do not work. They do not have a Department to run, and they have no budget or powers, so all they can do is to try and co-ordinate what is going on. That never works. However, if we need an overlord we have one already. He is called the Prime Minister. If the job of co-ordination—of banging heads together—is needed, that is his responsibility and no one else's. It ought to be seen as such.

I turn now to the main ways in which the campaign has changed, and the issues that we are now addressing. The debate is about Afghanistan and Pakistan, and it is right that it has been given that double title because the whole purpose of the campaign has changed very dramatically. In the earlier years, we assumed that Pakistan was important because its north-west frontier could not be a safe haven for Taliban or al-Qaeda forces fleeing from Afghanistan. In some ways, it is now the other way around. If we were to fail in Afghanistan, and if the Taliban, or people like them, were to regain control, or if people sympathetic to al-Qaeda were to be in charge, not only would it have the most grave consequences within Afghanistan and for the wider community, but it would make the job of the Pakistani Government, who are now much more robust then they have been for many years, infinitely more difficult. How could they hope to eliminate the Pakistani Taliban and al-Qaeda in their own country, if those very people could themselves seek haven in Afghanistan? That could be their retreat in depth from any conflict in which they were involved. So the stakes are very high and we should not forget that.

There is this question of manpower. I shall not get into a dispute about whether the British Army in Afghanistan needs 900 or 2,000 people more. In reality, the problem arises from a quite separate point: over the past 12 years, the Government have been involved in more wars—including in Kosovo, Iraq and Afghanistan—than any Government for 50 years, and yet during that same period Army manpower has been consistently reduced. That is a disgrace and needs to be rectified. Increasing Army manpower costs much less than many other aspects of the defence budget, as I know from my background in that Department.

In his opening remarks, the Member for Lanark and Hamilton, East (Mr. Hood) made an attack on retired generals. Any of us who have been privileged to serve as Ministers in the Ministry of Defence know that retired generals are an albatross around our necks, whatever the circumstances and at any time. However, I cannot recall a time when these same retired generals have been so vocal, unequivocal, acerbic and unconstrained in their criticisms. All Governments, whether this Government or previous ones, must remember that retired generals continue to have the closest of contact with serving generals and officers. What they say does not just reflect their own personal views, but is based on what they know is happening in the armed forces, and therefore has to be given weight. That is a matter of great concern.

The final area on which I want to comment relates to what I have just said, but is actually even more serious. To a far greater extent than I can recall being the case in the past 60 years, there is a very visible erosion in the confidence and trust between serving officers and the Government of the day. We are told that senior Labour figures are attacking the Chief of the General Staff and telling him not to meddle in politics and such matters. This is a matter of the gravest and most serious nature. I have not the time to say who is to blame, but the Government must realise, because they ultimately have the responsibility, that if serving and retired officers are speaking so publicly, and with such criticism of Government action, they have an enormous duty to try to address those concerns. These are not light-hearted matters, and the public will keep confidence in the whole operation only if they believe that the armed forces and Her Majesty's Government are working with the closest confidence and mutual trust. The impression is that that is no longer the case. The quicker that that is addressed, the better.

3.38 pm

Mr. Michael Meacher (Oldham, West and Royton) (Lab): I want briefly to offer a slightly different perspective on this war, although I agree with a great deal of what has been said. Everyone recognises the courage and enormous skill demonstrated by our armed forces in fighting what is clearly a difficult and dangerous war in Afghanistan. I endorse that, as—I am sure—does every Member of this House, but I do not think that that should be allowed to conceal unease about the nature of the conflict or its objectives and exit strategy. I want to concentrate on that.

The conflict has been represented in the west almost exclusively as a war against terrorism, but I submit that that is a highly misleading portrayal. For the Taliban, who are not al-Qaeda, it is basically a civil war: the Pashtuns, who are the traditional rulers of Afghanistan, against the Tajiks and Uzbeks, who make up the Northern Alliance and who, with US help in 2001, won the civil war and now largely dominate the Government. That, of course, is exactly the problem. The US and NATO invasion has unintentionally and perversely reinstated a series of brutal and corrupt landlords—warlords, I should say; they are also in control of a great deal of land, but I meant warlords—under the phoney pretence that they are democratic. The US and NATO set up a western-backed Karzai Government, but that Government's writ runs for only a few miles outside Kabul.

As others have said, the invasion has driven the Taliban and al-Qaeda leadership over the border into Pakistan, where, of course, it is now infinitely more dangerous. The invasion also restored the Pashtun

[Mr. Michael Meacher]

nationalism that is now represented by the Taliban. As mission creep has detached the Afghan war from the original target of al-Qaeda, it has morphed into a much wider kind of war. It is a war of civilisations, in which the western aspirations, which everyone in this House will support, of restoring stability, ensuring a certain measure of democratic government—I think that we all recognise the limits of that—and improving basic services for the people are pitted against the indigenous nationalistic determination on the ground to rid the country of foreign occupation.

Two other factors seem to make western goals much more problematic. One is the increasing reliance, especially by the US military, on air power as a way of minimising troop casualties, with devastating consequences in terms of increased civilian blood-letting.

Paul Flynn: In answer to the question put by the spokesman for the Liberal Democrats, the hon. Member for Kingston and Surbiton (Mr. Davey), about the answer that I had from the Foreign Secretary about the number of civilian casualties in 2008, as far as I recall, according to the British Government the number was 234, but according to the United Nations, the number is 864. However, it was also pointed out that the number of civilian casualties caused by the Taliban was 1,100.

Mr. Meacher: I take the points made by my hon. Friend. I was going to present some of those figures myself, but whatever the exact figures, the real point is about changing the perception of the Afghan population about western involvement in their country. The figures that I have are that civilian deaths at the hand of NATO forces have risen to more than 4,000 since 2006. In the past year alone, they have tripled to 2,000. I am not referring, of course, to those caused by UK troops; I understand that they are overwhelmingly caused by American troops, but the perception that they create affects the landscape for us.

Close air support bomb attacks, called in by ground forces, rose from about 175 in 2005 to nearly 3,000 in 2007. They are now, of course, the US tactic of choice, but they kill four to 10 times the number of Afghan civilians killed by ground attacks. Air strikes now account for around 80 per cent. of those killed by occupation forces, and it is certainly being claimed—I have no basis on which either to prove or to disprove this—that the coalition has killed more children in Afghanistan by its reckless use of tactical air power than have died at the hands of the Taliban. That is certainly being claimed; it may not be correct. Certainly, the numbers are considerable.

The second factor that I think makes western promotion of good governance much more difficult is the deeply unpopular 2005 agreement for indefinite bases in the country, which clearly indicated that the US, at least, saw itself as being in for the long haul. That was reinforced by NATO's Secretary-General, Jaap de Hoop Scheffer, who said, I think last year, that western interests in Afghanistan went well beyond good governance to a strategic interest in having a permanent military presence in a state that borders central Asia, China, Iran and Pakistan. The insurgency in Afghanistan is aiming not for terror attacks in London, but for the removal of foreign troops from the occupation of their country.

Given those factors, what is the exit strategy—if, indeed, the Americans intend there to be one at all? The war is stuck in a bloody stalemate. US and UK troops obviously have the ability to clear the ground, as they are showing with Operation Panther's Claw in northern Helmand, but they are increasingly vulnerable to a high kill and casualty rate from improvised explosive devices—from booby traps, roadside bombs and so on. On the other side, the Taliban, according to constant western military reports, have a stiffened and highly organised determination to resist, but they are vulnerable to air power, particularly helicopter gunships.

Both sides will seek to overcome those difficulties, and to some extent they are, while consolidating their strengths. NATO forces are becoming more adept at locating hidden bombs, and troop numbers are being significantly boosted, with 17,000 in the case of the Americans, which is a 50 per cent. increase. However, as my hon. Friend the Member for Newport, West (Paul Flynn) said, the Taliban will certainly be trying to gain access to effective surface-to-air missiles, which, we should remember, turned the war against the Soviet forces in the 1980s and could do the same against NATO.

There is no obvious way out of the stalemate, other than by pouring in 10 or 20 times the number of NATO—for that, one reads US—troops, and that is surely unimaginable in terms of domestic US politics. Even 500,000 troops in Vietnam could not defeat a determined enemy, dedicated to throwing out its foreign occupiers. This is not now primarily a war against terror, and, even in so far as it is, the terror networks have been transferred into safe havens in Pakistan, the sixth largest state in the world and nuclear-armed, where their potential for destabilisation is certainly much greater.

Where is the situation leading? The strategic importance of Afghanistan does not suggest an early US withdrawal, and the US and its allies can neither pacify Afghanistan long-term, nor seal the border with the Taliban's Pakistani sanctuary. There will have to be a negotiated withdrawal—certainly not immediately and certainly not in a hurry, but as part of a wider political and regional settlement underpinned by other forces in the region.

3.48 pm

Sir Peter Tapsell (Louth and Horncastle) (Con): I fully supported the original intervention in Afghanistan in 2001, and the attack on the Tora Bora mountains, although it was not fully successful. However, since we went back in 2003, I have had great misgivings about the possibility of success. It seemed to me that the objectives that were announced would require a vastly greater commitment of troops, helicopters and back-up than Britain was capable of providing, and that the whole operation would break down because of the inadequate use of force.

Furthermore, it has to be borne in mind that the most important event in the history of Islam was when the Prophet Mohammed drove out the foreigners from the holy cities of Mecca and Medina. That is the inspiration for Osama bin Laden and the theological basis of his appeal to Muslims throughout the world. One will not find any well brought up six-year-old Muslim child who does not know that story, and it absolutely chimes with

the basic feelings of people who live in Afghanistan. They, for centuries, have been invaded by foreigners. They have an absolute detestation of foreign intervention; the more troops we put into Afghanistan, the greater the resistance to us will be. Years ago, when these debates were beginning, I made two points. The first was that 300,000 troops would not be sufficient to do the job and the other was that the more troops we put in, the more it would be like throwing kerosene on to a burning tent. I believe that that remains true today.

I want to deal with only very few points during the short time that I have to speak. The original objectives have virtually been abandoned; they were to capture or kill Osama bin Laden, get rid of the poppy trade, overthrow the Taliban and set up a democratic Government. None of them has been achieved, and I do not believe that any ever will be. In fact, Osama bin Laden is probably more of a danger dead than alive, because of his mystique.

I want to question two particular points. Basically, the new objectives are that we want to fight in Afghanistan to avoid terrorism in Britain and the method of achieving that in the medium and long term is the building up of a large Afghan army. The issue is vital for the future, so I ask Ministers to ask themselves a question: to whom do they think this large Afghan army will owe its allegiance? Afghanistan, which is the size of France, is not really a country at all; until the early 19th century, it was just called the area in which the Afghans lived. There is really no such thing as an Afghan. Afghanistan has 60 different tribes. The northern tribes in the Northern Alliance—the Uzbeks, the Tajiks and so on—are quite different from the Pashtun, who were called the Pathans when I was young.

There is no possibility of such tribes working together for any length of time. If the army is to be predominantly Pashtun, it will be disliked by all the other tribes; if the army is an attempt to merge all the tribes together, it will simply be unworkable. The arms that we give the army will all be sold to the Taliban, as happened with the mujaheddin. Much of the weaponry that the Taliban are using now comes from the $25 billion of arms that the Americans poured into the mujaheddin.

In my view, there is not the slightest possibility that the army will be loyal to President Karzai. The idea that our young men are fighting and dying so that President Karzai can remain President of Afghanistan is absolutely fantastic. Only a few weeks ago, Washington was desperately looking around to find somebody other than Karzai to be put up for the presidency. He is a completely hopeless and discredited man. If he goes back to the presidential palace in Kabul, he will not be able to come out again without immediate danger of assassination.

The other argument is that we have to go on with our campaign because of the danger of terrorism at home. I do not believe that that is true. First, Jonathan Evans, the head of MI5, said recently that our military presence in Afghanistan actually increased the danger of terrorist activity in this country. We also know from the security services that 2,000 people living in Britain are under constant surveillance because they are believed to be potential terrorists. We are exporting terrorists all over the world; it is one of our most effective export trades. Al-Qaeda and the Taliban have always been totally different from each other. The Taliban have never had international ambitions and have always disliked al-Qaeda. All the evidence is that al-Qaeda has now left Afghanistan altogether. There is no reason at all why we cannot negotiate a settlement with the Taliban; indeed, we know that the Americans are trying to do exactly that.

It is completely false to say that we have to pursue the war to protect Pakistan. I have been saying for seven years that this war would have the effect of radicalising Pakistan. The Taliban had no influence in Pakistan until very recently; now, allegedly, even Karachi has a Taliban influence. That sounds rather like sending in the Salvation Army to run Sodom and Gomorrah. The Taliban running Karachi is simply not going to happen; anybody who has been to Karachi knows that the Taliban will not be welcomed there. However, the Taliban are radicalising the peasantry throughout Pakistan, which has a huge population of illiterate, very poor people who have never had a proper Government and are very unhappy. Having foreign troops attacking Waziristan and so on will merely make them increasingly radical and increasingly violently opposed to western interests.

3.56 pm

Derek Twigg (Halton) (Lab): I, too, express my condolences to the families of those who have lost their lives in Afghanistan.

As always in these debates, I say that we have the best armed forces in the world who deserve all our support and the best possible equipment to ensure that they can continue to do the job in the way they do. War and conflict are not risk-free. There have clearly been areas where we could have done things better and perhaps learned lessons more quickly, but that has been the case in warfare and conflict throughout history. The key thing is to learn our lessons quickly.

Having spoken to our armed forces when I visited Afghanistan and Iraq, I sincerely believe that they feel they are better equipped than they have ever been. The personal kit, in particular, is seen as the best they have had, and there have been significant improvements in other equipment. One of their complaints was that although the equipment had improved a lot, they did not have a chance to train with it when they were back in the UK because they had to rush out to theatre. That is an important point to understand. Of course there is always more that we can do.

Something that has not been mentioned so far is the massive improvement in medical support. All the personnel I spoke to in theatre said that they had great confidence in the medical support that was out there in terms of how quickly it could get to people. There is now the hard-roofed hospital at Camp Bastion, which I have visited; it is a great facility that is being used by the Americans and others. When people come back to the UK, they go to Selly Oak or Headley Court. Major improvements have taken place under this Government.

I will not go over our objectives again, as my Front-Bench colleagues have made them fairly clear. A crucial aspect is the position of Pakistan—how it is involved, how we work with it, and its relationship with the whole region, not least Afghanistan. NATO, the UN and others will have to support and work with Pakistan to deal with terrorism, the Taliban and those who want to see chaos and war around the region. The fundamental Islamists who cause so many of the problems and difficulties that we face must be stood up to, and we cannot do that just by non-military means.

[Derek Twigg]

The Afghans told me that, for them, security is key—whether it is the security to go to school, to go to work or to get their goods to market—as is personal safety. That is something that we are working on very strongly. Also key is the development of the Afghan army and police, with increases in their numbers. A great deal of improvement has taken place in the Afghan army, but much more needs to be done as regards the police. At the end of the day, there will have to be reconciliation with elements of the Taliban and the tribes that are fighting against the coalition forces. That will have to be done by the Afghans themselves; it cannot be done by us, nor should it be.

Returning to the issue of equipment, it is important to understand that this is a NATO operation: a coalition. We have heard about General Dannatt flying in the American army helicopter; well, Americans fly in our helicopters. I flew in a Dutch helicopter when I was in Afghanistan for the first time. We must ensure that NATO uses its own resources to the best possible extent and efficiency.

I do not believe there is any doubt that we need more helicopters, and I welcome what the Government have said about the increased helicopter numbers and hours and our future plans. One thing that often gets overlooked is that helicopters are not just about deploying troops but about CASEVAC—casualty evacuation. They are about getting wounded service personnel back from the front line and to hospital for treatment as quickly as possible.

All the commanders I spoke to when I went to Afghanistan said that they wanted more helicopters. That was very clear and matter of fact. They regularly raised with me the fact that on every occasion they could go in and defeat the Taliban, but then because there were not enough troops on the ground, or sometimes enough equipment, to be able to dominate the area, the Taliban would come back in. Again, it was for NATO, not just this country, to get to grips with that. One of the biggest mistakes that was made was not dominating the ground that we took, and NATO has a responsibility for that, because we increased our troop numbers considerably.

I cannot say whether lives would have been saved if we had had more helicopters, as some have suggested. One of them could have been brought down and we could have lost a lot of soldiers—more than if an armoured vehicle was blown up, for instance. It is important to understand that it is not an exact science, and we cannot say that more helicopters would definitely have saved lives. Again, the question is whether NATO can provide more helicopters and more support.

We have increased troop numbers, and it is important that our troops dominate the ground to ensure that the development that we all want to see takes place. It annoys me that today commentators are still saying that the solution will not be a military one. No one is saying that it will, and I am amazed that commentators still go on about that. However, it must be a military aim to enable development to take place in terms of schools, hospitals, agriculture and so on for the Afghans.

I do not want the fact that protected vehicles are crucial to be lost in the debate about helicopters. The press are currently into helicopters, but we do not want money to be diverted from protected vehicles. There has to be a balance. Surveillance equipment is key for detecting roadside bombs and surveilling areas where the Taliban are known to be active. There must be a balance. The tactics must be right, and we must have a number of options available to us.

Lessons must always be learned quickly, and there is evidence that at times we have not done so. I do not know whether that is because of circumstances in the field or because of the set-up of the Ministry of Defence, but we have to learn lessons quickly. That has always been the case in warfare. In the second world war we were putting Sherman tanks against German tanks, and they were no match for them despite all the years at war. We must always learn lessons and ensure that we get things right and protect our troops in the best possible way.

The decision to go in was taken in 2006, before I was at the MOD. I would be interested to know what advice Ministers were given by the chiefs of staff about what could be achieved with the forces and equipment we had at that time, so that we could deliver our political aims and those of the western alliance.

In the end, we must support our armed forces, who are the best in the world. Politicians fail, as we know, and we have to revert to military action at times. The military are the people who protect our security, whether at home or abroad, and they deserve our full support.

4.3 pm

Sir Menzies Campbell (North-East Fife) (LD): The hon. Member for Halton (Derek Twigg) spoke approvingly of the quality of medical services now available. Those who have the privilege of going to the hospital at Selly Oak or the rehabilitation centre at Headley Court will see ample evidence of that medical skill, but they will also see extraordinary illustrations of courage and a determination to overcome adversity from the patients in either institution.

We have no conscripts. Our armed forces are professional, and we therefore expect of them professionalism, skill and courage. However, we have no right to expect them to display those qualities unless, in return, we give them the best equipment available. We have no right to expose them to unnecessary risk and no right to take advantage of their loyalty. In Afghanistan, they have not failed in their duty, but—I do not say this lightly—I believe that we have failed in ours.

The United Kingdom is not equipped to conduct two hot wars, as it has done in the past six years. It was not supposed to be like that. The 1998 defence review, in which the right hon. Member for Airdrie and Shotts (John Reid) played a leading part as the then Minister for the Armed Forces, was much praised. However, it envisaged one short war-fighting deployment and one non-war-fighting operation happening simultaneously. Instead, we have had two enduring war-fighting deployments. There is therefore no wonder that there is a shortage of equipment, that the Army, in Sir Richard Dannatt's words has been "running hot", and that the rate of attrition of equipment has been so severe.

The loyalty of the armed services extends beyond Queen and country to making do, getting on with the job—cracking on, to use their vernacular—and to, in the Army in particular, loyalty to the regiment and the

people with whom they serve. Again, I do not say this lightly, but I believe that we have exploited that loyalty.

Yesterday, the Prime Minister spoke dismissively of what he called political point scoring. The Government should understand the difference between support for the armed services and the legitimate questioning of Government policy by Members of Parliament. As the hon. Member for Louth and Horncastle (Sir Peter Tapsell) gave us something of a historical perspective, I remind the House that as a result of the Norway debate in this Chamber, the course, conduct and direction of the second world war was substantially changed. Of course we will support our forces, but we have a duty as Members of Parliament to question Government policies when we believe that they are not apt or adequate to cover the challenges that our forces are required to meet.

Why have these matters come to a head in the past few days? It has happened almost certainly because of the casualties that have been suffered, but, as has been said, the issue of helicopters and protected vehicles has been around for a long time. As soon as the Taliban gave up face-to-face confrontation with our forces and embarked on the new tactic of improvised explosive devices, that same issue arose. A question for the Government is whether, when that happened, they responded adequately with the matériel and the equipment necessary to allow us to confront those tactics.

There is another question for the Government, which the debate has not properly answered. What is the strategy for co-ordinating the political, military, reconstruction and counter-narcotics policies? We have had a slightly semantic discussion about that, but yesterday at Prime Minister's questions, the Prime Minister and the right hon. Member for Witney (Mr. Cameron) simply stated strategic objectives. Strategy is how one achieves those objectives—the means whereby they are co-ordinated. If it is true that the three senior members of the Cabinet with responsibility for those matters meet only once a month, that is nothing like the sort of co-ordination that is necessary. I say that because we are effectively at war, albeit not across Europe, as we were between 1939 and 1945, or, indeed, in Asia. However, we are at war and if the elements are to be properly knitted together to produce a benevolent outcome, much better co-ordination is required.

We have hardly heard a mention in the past two and a half weeks of the policy on narcotics, yet that is key to the hearts and minds operation. If all one has to grow is the poppy seed and the profit of that may be taken away and one lives in a subsistence economy, something else must be provided. The counter-narcotics strategy is also the key to dealing with the corruption that is endemic in the present Government in Afghanistan.

The hon. Member for Louth and Horncastle mentioned Mr. Karzai, who will win in August. However, I was at the Munich security conference earlier this year and Richard Holbrooke's disdain for Mr. Karzai and his evident lack of confidence in him was manifest for all to see. So when we talk about political stability and establishing sound government, we ought to take account of the personalities who are available and not just the institutions.

Public opinion in this country is finely balanced, but unless there is clear evidence of some recognition by the Government of the position of the Army in Afghanistan in particular, it could easily fracture, leaving us with opposition to our continued presence. The argument will be: "Come out, irrespective of the consequences of doing so." That is why I want to finish with this. Whatever else the Government are doing, they should be knocking on the door of every defence ministry of every NATO country and saying, "We want to beg, borrow or steal protected vehicles. We want to beg, borrow or steal any helicopters that you have. You may not be willing to risk the lives of your young men and women, but at the very least you have an obligation to help those of us who are willing to take that risk with the matériel that will enable us to carry this operation through to a proper conclusion."

4.11 pm

Mr. James Plaskitt (Warwick and Leamington) (Lab): I am grateful for the opportunity to contribute to this debate, having spent last week in Helmand with British forces at Camp Bastion and in Kandahar. I should like to put on record my thanks to our Ministry of Defence staff who facilitate such visits for Members of Parliament and to all those involved in theatre who make time to brief us, which they do very extensively.

Such visits are extremely worth while. I went on the principle of fact finding and learnt a huge amount. Also, the timing was significant, because it was the week when Operation Panther's Claw was gathering momentum. Tragically, it was also a week of awful casualties and losses, some of which we saw at first hand. We cannot come back from such a visit and fail to be completely impressed by the professionalism, commitment and determination of all our armed forces who are in theatre conducting those operations.

With the intensification of the operation now taking place and with the tragically increased casualty numbers, it is inevitable that there will be, as there now is, increased public questioning of that operation. When we pursue military activities in democracies, it is entirely right that we should debate—and that we should have the right to debate—the conflicts in which we are engaged. However, we need to do that with sensitivity about the impact that it can have on those at the front undertaking those operations, while we comfortably debate their pros and cons back here. It is inappropriate for us to engage in straightforward political point scoring while soldiers' lives are on the line, and while some are losing their lives and many others are sustaining life-changing injuries. We are entitled to debate and we should debate, but we must do it in a responsible manner.

I want briefly to say something about equipment. It is not the main focus of my contribution, but the visit that I undertook was an opportunity to pursue the issue in detail in conversation with commanders at the front line and with troops who are engaged in the conflict daily. No commander who briefed me and no soldiers to whom I talked said that they felt that they were ill-equipped for what we were asking them to do. Indeed, many said that they felt that they had the most up-to-date and sophisticated equipment to undertake their activities that they had ever had. Many soldiers said to me personally, "I'm better equipped than ever before." We saw at first hand the sophisticated surveillance equipment that my hon. Friend the Member for Halton (Derek Twigg) mentioned, which is doing fantastic work, and the quality of the vehicles that the troops move around

[Mr. James Plaskitt]

in. That needs to be balanced against other issues in the current debate about whether the equipment is right.

It is really important to understand, when discussing equipment, that it is a function of what is happening on the ground at any given time, and that that is never going to be static. There are several operations taking place in parallel at the same time, and there is shifting emphasis between different parts of the operations. Furthermore, conditions on the ground can change, sometimes very rapidly, as can the responses from the enemy with whom we are engaging. We need to understand that the equipment issue is not a static one, and that, to some extent, equipment is always going to struggle to keep pace with the reality on the ground. It is also important to remember the shared nature of the equipment, and not simply consider what UK forces get from UK sources. We need to consider what all the forces can access on a shared basis on the ground in response to the activities that they are being asked to undertake.

I want to focus mainly on this point. In the light of the changing nature of what is happening in Afghanistan and, tragically, of the increased losses, it is now incumbent on the Government to explain even more clearly the overall context of the operation. The explanation is available, and the Government have published some good documentation on it, but it is not yet comprehensively understood. Because of the increase in public questioning, it is now time to increase the degree of explanation, in order to combat public uncertainty and to give support to our forces who are undertaking this action.

The answers are available, and we have heard some of them during the course of the debate this afternoon, but we are not yet setting them out clearly enough. The questions break down into a number of different categories. Many people are asking what is different this time—a question asked not only by people in Afghanistan, but by the public who are watching the operation. We need to explain the relationship between what is happening in Afghanistan and what is happening in Pakistan. We also need to spend more time discussing what is being altered on the ground in order for our action to achieve a lasting impact, and how the responsibility to achieve it is being shared.

We also need to have a discussion with the public about what will constitute success in this context. That is not an easy concept to grasp, because this is not a conventional conflict. This is not about territorial gain, or about repelling an invader of our own territory. This action involves a much more complex notion of what may or may not constitute success. We need to be straightforward with the public and tell them that this is not an easy concept to grasp, and that success might have more to do with the absence of something awful than with the existence of something that is visibly evident to all of us.

We shall have an opportunity to set that out how I would like to see it. As we have been discussing, we know that the US is leading a rethink on strategy at the moment, which will have an impact on our deployment, as well as on other NATO deployments. We also know that the elections in Afghanistan in August will create something of a political watershed there, and that that will have an impact on the future commitment of Afghan forces, police and civilians. Those two factors will create an opportunity for the Government here to readdress with the public the nature of the United Kingdom's contribution to this multinational, UN-endorsed effort.

We could provide greater clarity about our military contribution. We could also do more to explain the hearts and minds element of the strategy, which is extremely important, in order to explain how the present military action will open the way for economic, social and political development that will permanently alter the reality on the ground in Afghanistan and thus have an impact on our security here in the United Kingdom.

The question of timing is a difficult one. One commander said to me:

"This is Afghanistan; it is not fast."

On the other hand, there is clearly pressure on us to achieve irreversible momentum. We have the luxury of being able to debate this issue while other people take the action, but we also have an obligation to explain what is happening. The morale of the troops with whom I spent last week is very high, but they would begin to worry if they sensed that public support for their work was ebbing away—

Mr. Speaker: Order. I am sorry, but the hon. Gentleman has run out of time.

4.19 pm

Mr. Nicholas Soames (Mid-Sussex) (Con): I would like to associate myself particularly with the remarks of the right hon. and learned Member for North-East Fife (Sir Menzies Campbell) and other colleagues who have spoken powerfully on both sides of the House on this very important matter. In common with the right hon. Member for Airdrie and Shotts (John Reid), a former Secretary of State for Defence, my heart goes out to the families of the fallen and the families of all the soldiers, airmen, members of the Navy and civilians serving in Afghanistan who are naturally extremely anxious at the turn of events taking place in that country.

Having said that, I regret having to say that the Prime Minister, who claims, rightly, the overall command of this matter, has in my judgment acted in a thoroughly casual way on this war. Since 2007, he has made just two statements to the House on the war in Afghanistan. That is not good enough, and I do not think this House has been kept anywhere near well enough informed. As colleagues such as the right hon. and learned Member for North-East Fife and my right hon. Friend the Member for Richmond, Yorks (Mr. Hague) argued earlier, the co-ordination and overall arrangement of these matters has been absolutely disgraceful, and I think people should be very angry about it.

Whatever the sterile arguments—they were used on Monday by the Prime Minister who was dissembling in a less than frank manner about the situation of our troops in Afghanistan—at the end of the day the success of the operations in that country will all boil down to one thing and one thing only: the men carrying out these operations on the ground, those who support them and those committed to providing a holistic approach.

I want to speak today on behalf of the soldiers—the splendid, brave, long-suffering soldiers in the field, and those who support them. I would like the House to recall the words of Lord Wavell, when he said that

"in the last resort, the end of all military training, the settling of all policy, the ordering of all weaponry and all that goes into the

makings of the armed forces is that the deciding factor in battle will always be this. That sooner or later, Private so-and-so will, of his own free will and in the face of great danger, uncertainty and chaos, have to advance to his front in the face of the enemy. If all that goes wrong, after all the training, the intensive preparation and the provision of equipment and expenditure, the system has failed."

Well, we all know that it has not failed so far. The armed forces have never let us down, but I say to the House that the Prime Minister, the Chancellor and the Secretary of State for Defence—not the present one—are letting them down by failing adequately to respond to their requirements for resources for the hugely demanding tasks laid upon them.

For the young soldiers of today, as for their truly illustrious forebears, warfare continues to represent the ultimate physical and moral challenge. In Afghanistan at this very moment, they are encountering a combination of extraordinary danger and rapidly changing circumstances amid conditions of chaos and uncertainty. Their skills, the skills and quality of their leadership, of their weaponry and of their equipment are all being very severely tested.

I believe that the Prime Minister's shameful lack of urgency must become a thing of the past and that the Government must realise that we are at war. If they really mean what they say about supporting our soldiers with whatever they need, the Government must send more troops to Helmand—at least the 2,000 requested in the theatre capability review agreed between the Ministry of Defence and the Pentagon, and then refused by the Prime Minister and the Treasury. The Prime Minister should be deeply ashamed for such crass misjudgment, which denies commanders on the ground from holding hard-won objectives.

I want to say a few words about equipment. While everyone wants more, it is a fact that the soldiers' personal kits—rifle, helmet, boots and clothing—are truly excellent; they have to carry an enormous amount of weight in extreme heat and their toughness and hardiness are beyond all admiration.

There are clearly shortfalls in the vehicle fleet, and on too many occasions soldiers are being forced to use them for missions, and in tactical situations, for which they were not designed. It is, for example, sad beyond words that the late commanding officer of the 1st Battalion the Welsh Guards had to hitch a lift [illegible] logistics convoy in order to visit his own men on op[illegible]. The real problem is that there are simply not enough soldiers to carry out the mission set by the Government: to hold, clear and build; and further, to sustain a more vigorous counter-insurgency that depends on agility and surprise.

If the Government do not put in more troops, the mission could fail. However, I want to make it plain to the House that the failure would most definitely not be caused by a lack of guts and skill on the part of Tommy Atkins with his rifle and bayonet. I want the Minister, the House and the country to understand that the soldiers in Afghanistan do feel let down by a lack of helicopters and manpower, which obviously limits their abilities and opportunities for movement and assault. As a result of those two factors, they cannot be as tactically agile as they would like, and are thus forced into an inappropriate use of vehicles and tactical procedures that inevitably puts them at maximum, rather than minimum, risk of casualties.

Let us be clear: the soldiers feel let down not by the nation, but by the Government, and by a clearly weak and ineffective leadership in the Ministry of Defence. We in the House should be collectively ashamed that the finest army in the world is fighting in the most inhospitable, extreme and dangerous environment, under-resourced for an entirely valid and viable mission by a Government whose actions in these matters too often seem largely beyond parody.

4.27 pm

Paul Flynn (Newport, West) (Lab): That was a disgraceful contribution. To suggest to those whose grief is raw, who are suffering, whose sobs we heard from the town of Wootton Bassett, that there was some alternative, some other way—that if another Government had been in power, or if there had been a different configuration here or there, their loved ones would not have died—is a cruel and callous deception.

To understand the Taliban, I suggest that we look at the works of James Fergusson, who recently gave evidence to the Foreign Affairs Committee. He talked about his conversation with a high-ranking member of the Taliban, who said to him, "I have three children, aged two, five and six, but I never see them; I don't want to see them, because if I saw them I would start to love them, and they would love me. The loss would be greater when I die." James Fergusson said to the Taliban leader, "Do you want to die?" He replied, "Of course I want to die. That is my dearest wish. I want to die like my father died against the Russians, like my great grandfather died, and like his father died. They died fighting the Ferengi in a jihad. I hope it is the way my sons die as well."

It is a myth that we are fighting a war against a finite force. The Taliban will renew themselves virtually infinitely. Every death of a civilian—there have been thousands—is a defeat for us and a recruiting agent for the Taliban. Before Helmand, I supported the invasion, as other Members did, in 2001. I thought at the time that there was no chance of succeeding on drugs, and we have not done so. Despite spending hundreds of millions of pounds of taxpayers' money, the drug production is the same as it was—it was higher a few years before that. There are areas that are now free of poppy growing, but they are used for growing cannabis. We have seen the hugely corrupting drugs industry flowering there, with the result that the price of heroin on the streets of London is cheaper than it has ever been.

When the bullets stop firing, who will move in? It will be the Afghan police. Why do we delude ourselves about that group? They are mostly Uzbeks, and there was evidence from Reuters last week, from the Helmand village of Pankela, that the elders had got together and said, "If you move out and the Afghan police move in, we will join the Taliban." The reason for that is not just that they are not paid, or that they are deeply corrupt. According to evidence given to the Select Committee, 60 per cent. of them are addicted to heroin, and many others are dealing in heroin in order to earn their money. They routinely extort from the local population. The main objection in the village of Pankela, however,

[Paul Flynn]

was to the army's use of "bacha bazi", a horrible form of child sexual exploitation. Pre-pubescent boys are kidnapped, kept in the police compound and raped by the police. That is the ugly, awful reality of what we are offering to Afghanistan.

A splendid book is about to be published. It is by Malalai Joya, who was the youngest member of the Afghan Parliament. She was suspended after attacking the warlords in her first speech because she regarded them as being on a par with the Taliban. She has won many awards, and has said that human rights are worse in Karzai's Afghanistan than they were under the Taliban. We should also consider President Karzai's record. He refused to pardon a young man who had been found guilty of accessing a document about women's human rights on the internet—that man is in jail for 20 years—but freely pardoned a gang of thugs who had gang-raped a 13-year-old girl. He has approved a policy of permitting, and making legal, marital rape.

It is incredible that we do not see the reality. We owe the troops a debt of gratitude. We owe it to them to tell the truth here, rather than dealing with peripheral issues. Many of the issues that we have talked about today will make no difference. Helicopters might produce even worse casualties. There is no easy solution. The reason for our casualties in Helmand province is our presence there. Before we went into Helmand in 2006, only seven of our soldiers had died, five of them in accidents. Our presence there was a magnet, dragging in the Taliban. It multiplied their numbers, because we are the Ferengi, and they want to fight a jihad against us. Unless we know the basic reason why this is going on, we will fail our troops in the battle.

Something that we have previously discussed at some length—we have not discussed it today, but perhaps we should—is the staggering amount of aid that we have poured into the country: $25 billion. The Select Committee was told that 20 per cent. of it might have reached its intended recipients. For every British soldier who dies, there is a new millionaire in Kabul. Many of the new millionaires who grow rich on the drug trade, the corruption and the money that we have poured in are relatives of President Karzai, including his brother.

Mr. John Redwood (Wokingham) (Con): Given the hon. Gentleman's passionate analysis, what does he think the British Government and Army should do?

Paul Flynn: There have been improvements in women's and girls' education, but the truth is that, despite all the aid that has been poured in, Afghanistan still has the world's third highest child mortality rate and second highest maternity mortality rate, because the country is endemically corrupt. Our aims are not attainable. I believe that all the prospects are dreadful—awful. We can continue what we are doing now. We can pour in troops, which will mean more targets and more deaths. It will be absolutely futile. It will make us good, as politicians, but we are here, 1,000 miles away from the heat, suffering and danger of the battlefield.

We have a collective responsibility. We have deceived ourselves, certainly since 2006, and we have given our soldiers an unattainable objective—several unattainable objectives. We cannot win on drugs, we cannot win on human rights, and we cannot do anything about the corruption. The warlords have become worse because Americans have poured billions of dollars into their pockets.

We have a number of possible options. One is to continue as at present, in which case the misery will go on and the coffins will carry on coming home, and we might well reach the same point as the Americans did in Vietnam when popular opinion would no longer accept the situation and the Americans ran away in panic from Saigon. We might leave in those circumstances. That would be the worst possibility, because our allies in Afghanistan who are working with us now would be slaughtered. The other, more hopeful, possibility is that we fix an exit date, as Canada has already done. In that case, we can look to having an exit strategy, and not to victory—not to more helicopters or more troops, but to finding a way of extricating ourselves. It will happen in the end. There must be some deal that can be done. It is not going to be easy, and we are not going to produce a Hampshire in Afghanistan, but this is the only practical way of escaping from the terrible situation we are in at present.

The American General McChrystal has talked about two things that have never been mentioned before: the exit strategy and defeat. We must start believing in the possibility of defeat because, sadly, unless there is a change of mind by all the parties in this House, and political muscle behind new thinking—

Mr. Speaker: Order. I am sorry, but the hon. Gentleman's time is up.

The next speaker in the debate will be subject to the eight-minute limit, but in view of the substantial number of Members still seeking to catch my eye, thereafter the time limit for each speech will be reduced to six minutes—and I simply say in the spirit of encouragement to hon. and right hon. Members that if they are able to speak even more briefly than that, that will aid the House as a whole.

4.36 pm

Mr. James Arbuthnot (North-East Hampshire) (Con): I shall do my best to stick to six minutes, Mr. Speaker.

I profoundly respect the views of the hon. Member for Newport, West (Paul Flynn), but I also profoundly disagree with them. He made the same points in relation to Iraq, and I think that he was wrong in relation to Iraq. In Iraq, we have seen what is not at all a comfortable country emerging out of darkness, and we have seen the success in transferring to local security people a job that was previously taken on by the Americans and the British. We have seen Iraqis taking a degree of pride from their success in reducing, although not eliminating, the corruption, violence, bombs and sectarianism in that country. I believe that we ought to express the hope that the same can be achieved in Afghanistan. Indeed, it is essential that we work towards that.

I agree with the hon. Member for Warwick and Leamington (Mr. Plaskitt) that the arguments need to be better made and to be spread around in the pubs and clubs of this country, because we are tending to lose the notion that our troops need to be in Afghanistan. I am sure that they do need to be there, because of the instability of that general region and the fact that there is a link between Pakistan and Afghanistan, and another direct link from Pakistan—and increasingly from Afghanistan—to those communities in this country.

We must also remember that Pakistan is nuclear-armed, and the fact that there is now a total threat to this country as a result of the instability of that region means that we have to continue with this battle and win it. The alternative of withdrawal is not one that we should contemplate.

The general aims of the comprehensive approach are very laudable, and I pay tribute to the Departments of Government, which never used to work together and have never liked the notion of doing so to the extent that they are trying to do now. They are still struggling, particularly in Whitehall. On the ground, the comprehensive approach is much better appreciated and much better strived for than in Whitehall. There needs to be better training and better working together here, but overall the comprehensive approach is the only way forward.

I feel that it is absolutely essential to support this mission in Afghanistan—the entire country needs to support it—but support means certain things. It means giving our armed forces and the other components of the comprehensive approach the equipment that they need. More helicopters are needed in the region—it is not just our armed forces that need them—but helicopters themselves are not enough. The Defence Committee's report today brought out the fact that helicopters require manpower, training and support, so just producing helicopters will not solve the problem. Of those four things, manpower is the most under pressure at the moment. We also need more uniform helicopters. There are lots of Chinooks of many different types, and the complication and expense of dealing with an imperfect and non-uniform fleet are extremely difficult for the Ministry of Defence. We need better vehicles. I hope that others will talk about that, because some of the vehicles in theatre are having to be withdrawn. We also need a better, more up-to-date air bridge, so that our troops do not have to wait in appalling conditions in order to take advantage of their leave. So we need more and better equipment.

We also need people. Reference has been made to the 2,000 troops that I understand were asked for in recent weeks. This morning, I tried to get out of the Prime Minister whether that was true, but I did not manage it. The shadow Secretary of State got it exactly right; we need troops not only to take ground, but to hold the ground that they have taken and to build on it. If we have too few troops to hold and to build, we risk unnecessarily the lives of the soldiers who were used to take the ground. We need a significantly larger pool of troops in our armed forces to be available to go, without pressure, to Afghanistan.

The final thing that we need is the money to support this operation. On Monday, I asked the Secretary of State what the Chancellor of the Exchequer meant when he said that our armed forces would not be short of money. I was told that it was established by the increase in the expected urgent operational requirements money that was announced on that day that the Treasury meant what it said. However, the UOR money for this year is capped at about £735 million, whereas last year's cap was at more than £1 billion. So, there has been a decrease in that money, and that is not because the threats have reduced or because the urgency has reduced; it is because the available money has reduced. I do not think that that is the right way to treat our troops.

4.43 pm

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): It is a pleasure to follow the right hon. Member for North-East Hampshire (Mr. Arbuthnot), and I wish to congratulate him on his Committee's report. When it comes to equipment it always becomes very difficult for those not closely involved, because there are always several sides to the story. Helicopters have been discussed, and one thing that struck me when we flew down in them on our visit to the area was how much they were resented by the local population—helicopters fly over their houses, so they find them incredibly intrusive. So people will have to go on the ground and we need to be realistic.

I wish to say a little about what the end game is likely to be, because one of a number of important comments made today related to the inclusion of Afghanistan and Pakistan in this. The Secretary of State indicated that greater co-operation is clearly taking place on the border, certainly on the one with Baluchestan. What is happening in Helmand reflects what is happening on the Pakistani side to make the border more secure. This will also be about the build-up of the Afghan national police and army. It is clear that we have been much more successful with the army than with the police, but we should be careful about the words we use. When we were in Afghanistan it was clear that people there referred to their policemen as soldiers and they referred to their soldiers as warriors. This is not the kind of police force that we are used to—it is much tougher, and at the moment it is still being recruited along tribal lines. Until there is a police force in Afghanistan that does not follow tribal lines, we will continue to have the sort of problems that have been described.

Afghan warfare is very different. The history of the country shows that no outside force has ever succeeded in conquering it. What is different this time is that foreign troops are there with the consent of the Government. Their writ may not travel far beyond the capital, but it is the beginning of a settlement. It will have to be seen in two distinct phases. We need to be careful when we talk about the Taliban: there are Afghan Taliban, Pakistani Taliban and central Asian Taliban, and then there is al-Qaeda, and we are not entirely sure where they are from. There are also small pockets of 100 or so insurgents, so we need to be careful about language. Even in Helmand, when they talk about foreign Taliban, they may mean Afghan Taliban from a different province.

We need a military presence that the Taliban—the insurgents, whoever they are—know will stay and fight, not pack its bags and leave. Then will come the point at which we have to bring those people into the political process. The Afghan way of warfare does not mean winning on the battlefield, but by defection. What years of history have taught Afghans is to wait and see which is the winning side—and that is the side to join. That is how we have brought warlords into the process, and that is what the long-term strategy for our military presence should be.

We have to be very forceful on the military end, but negotiate to bring people into the process. The elections in the summer will be important in that, but we should be careful about thinking that the elections mean democracy per se. The voter registration and other processes will set the scene, but there is deep corruption in the country, and we should be honest about that. The corruption

[Ms Gisela Stuart]

starts at the top, and the aid that comes in gets sliced all the way through. However, that is better than the alternative, and one of the most encouraging changes in terms of Government policy—I have visited three times in the past five years, and things have changed—was the DFID White Paper, which made the clear commitment that the Foreign Office and the MOD would work much more closely together when it came to international aid. Certainly, with the role of the senior representative in Helmand, Hugh Powell, who pulls together the international effort with our Departments' efforts, we are moving in the right direction.

We must not give up. We must not say, "It's so awful, there's nothing we can do." We owe it to our troops to pursue our strategy. These are the most crucial, and potentially most damaging, stages of the operation, and we have to ensure that the casualties were sustained for a reason worth fighting for.

4.48 pm

Mr. Elfyn Llwyd (Meirionnydd Nant Conwy) (PC): Although I voted against the incursion into Afghanistan, that is an irrelevance today. We owe our allegiance to the men and women who are in harm's way. We owe it to them to support them fully, in every possible way, including kit and so on.

I have heard it said that in warfare deaths are inevitable. That may be so, but the most disturbing and galling part of this current situation is that three quarters of recent deaths, so I am told, were avoidable. Had the Government provided adequate kit and equipment for the military—sufficient helicopters and properly armoured vehicles—many of these roadside deaths would not have occurred.

If that statistic is not bad enough, the situation is compounded by the lack of a clear military objective and strategy in Afghanistan. On the one hand, the Prime Minister says that he wants to draw down troops after the Afghan elections, but on the other, the military top brass say that they want an extra 2,000 troops. What are we to make of those conflicting statements?

I have also heard it said that the conflict is about bringing democracy to Afghanistan, but the country has never been a democracy. It has been a tribal society for centuries and I do not think that it is possible to impose a democratic system on it.

We owe the troops a definite duty of care in every way possible. The military say, "More boots on the ground, more bodies in bags." That may be crude, but that is how they talk. Some strategists argue that a surge of new troops provides more of a target, and the lesson from Northern Ireland is that it is better to use more helicopters. As has been noted, the Americans learned in Vietnam that multiple casualties turned public opinion against them, and I hope that we never reach that stage.

Force protection equals duty of care to soldiers. The diary of a young platoon commander in the Welsh Guards was published recently. Lieutenant Mark Evison, 26, wrote:

"I have a lack of radios, water, food and medical equipment. This, with manpower, is what these missions lack. It is disgraceful to send a platoon to a very dangerous area with two weeks' water and food and one team medics' pack. Injuries will be sustained which I will not be able to treat and deaths could occur which could have been stopped. We are walking on a tightrope and from what it seems here are likely to fall unless drastic measures are undertaken."

That brave young man died in May.

We have also heard of the recent coroner's report into the death of Corporal Mark Wright. The coroner said that there were three main reasons for his death, two of them being a lack of lighter helicopters fitted with a winch that could have pulled the troops away and the administrative delay in sending a suitable helicopter.

Ultimately, the only way to get our troops out is to arm and train the Afghan national army properly, but the problem is that leaders are in short supply. Combat units report shortages in about 40 or 50 per cent. of the equipment that they require, so things are not going well in that regard, either.

The hon. Member for Newport, West (Paul Flynn) spoke about the Taliban regrouping and about the flourishing heroin trade. He said that Britain was backing a Government full of corrupt practices, while too many ordinary Afghans are not seeing any reconstruction at all. We need to look at the military objectives and the immediate military strategies if we are to keep public opinion and the House informed. That is going ahead now in Washington, and the same thing needs to happen here as well. Many military commanders, and the families of front-line troops, are not convinced that the best strategies are being pursued. That needs to be addressed very swiftly.

However, what the Prime Minister said this week is surely an admission of the fact that the troops are not adequately equipped. Three quarters of the deaths in Afghanistan have happened because of roadside bombs. It is not a new tactic: it was known and probably expected, so why are the heavy armoured vehicles being ordered only now? How many more brave men and women have to die before the equipment is delivered?

There have been loud calls to discontinue the use of the Snatch vehicle in some operational theatres. Why is it only now that the Prime Minister has announced this ordering of equipment? The same is true of helicopters. I will not go into the sterile debate that we had earlier this week, but it is a big issue.

I was in Basra and Baghdad a few years ago and I know that helicopters are much more effective than vehicles that have to travel on dangerous roads. We need to concentrate, as the Americans are doing, on force protection. I hope that the UK will do likewise. Commanders in the field protect their troops, and I hope that the Government will have drastic rethink of their current strategy and objectives. They must keep this place—and, crucially, the public, informed.

4.54 pm

John McDonnell (Hayes and Harlington) (Lab): As a parent, I find it extremely distressing to see photographs of the young men who have died in the conflict in Afghanistan. Many are so young: I find it hard to come to terms with the death of an 18-year-old barely out of school.

Parents and families have taken solace from the fact that their sons have given their lives courageously in the service of this country, and I share that view wholeheartedly. When those young men signed up for military service,

they signed up to the compact under which they pledged their lives to the service of this country. However, there are two sides to that compact; we are the other side. We pledge to do all that we can to keep them out of harm's way, and to ensure that they are treated properly when injured and that their families are cherished if they sacrifice their lives. Many statements have been made today about the way in which we are fulfilling that compact, and it is important that the Government consider those messages seriously.

Another element of that compact is that we do not send our young men into unnecessary and ill-judged wars that cannot be won. I believe that the Government have failed that critical element of the military compact. This is an unnecessary and ill-judged war that cannot be won. After eight years, it is becoming increasingly difficult to answer the question, "Why do we need this war?" It was a reaction to 9/11, started with a failed bombing campaign and led inevitably to invasion. The objective was to destroy al-Qaeda, but inevitably when the bombing strategy failed and we moved to invasion, we discovered what leaders of the British empire discovered in the 19th century and what the Russians discovered in the 20th century—that it is impossible to fight a successful war in this terrain. I must add that all those invasions claimed the consent of the people.

I believe that the strategy of destroying al-Qaeda flies in the face of all that we know and understand about modern terrorism, which does not need a fixed territorial base. As we have discovered, modern-day terrorists can be based as much in Leeds as in the mountains of Afghanistan itself. The attempts to evict al-Qaeda from Afghanistan have simply led to its wider dispersal across Pakistan, Somalia and terrorist cells deeper into western Europe. If the war aim was to destroy or remove the Taliban because they harbour al-Qaeda, it completely underestimated, as hon. Members have said, the complexity of the relationships within the Taliban and the scale and depth of support for them in the region, both in Afghanistan and Pakistan.

If the objective of the war was to tackle terrorism associated with al-Qaeda, a more effective alternative would have been to focus on states' policing role in gaining intelligence on terrorist organisations and activities and in intervening to prevent terrorist strikes. As important is to negotiate with elements that might be attracted to support or harbour terrorists, to divide them wherever possible and to ensure that we gain some purchase on negotiating opportunities with the Taliban. Of course, an effective anti-terrorist strategy must ensure that no action is taken that mobilises support for terrorism, and must win the hearts and minds of potential recruits by addressing grievances. Far from addressing such a strategy, the war in Afghanistan is using resources on military action that should be used in the policing and prevention of terrorism. Far from isolating the Taliban, it has spread their influence into Pakistan, and far from dividing them, it has united Taliban elements into a cohesive fighting force. Far from winning hearts and minds, the war, as in Iraq, has become a rallying symbol for terrorist recruitment.

A tragedy is being played out in Afghanistan, and in our society too. The argument that we are tackling the drugs problem has been undermined today. Afghanistan is now the drug capital of the world. There is the argument that we are installing a democratic Government, but, as has been explained today, that Government are corrupt and considered illegitimate even by their own people—it is a Government of warlords oppressing their own people. As my hon. Member for Newport, West (Paul Flynn) said, the argument about the oppression of women has been undermined by women in Afghanistan demonstrating against oppression that they say has actually been worse than under the Taliban.

We need to address this tragedy: the lives being lost, the families being destroyed, the immense human suffering. At some stage, the Government will have to face up to the need to negotiate a withdrawal. We need to request that other regional powers come to our aid in negotiating with all parties, including the Taliban, a constitutional settlement for the long-term future of Afghanistan. The strategy must involve conflict resolution, bring people together, and recognise their grievances and why they have taken up arms, as they see it, to protect their own country. It is also about developing an alternative terrorism strategy involving intelligence, policing and ensuring respect for the grievances that lead people to take up terrorist activity. The sooner we come to terms with that, the sooner we can end the suffering of the British and Afghani families who have been drawn into this tragic and desperate war.

4.59 pm

Bob Russell (Colchester) (LD): The Government have a lot more to do to win the battle of hearts and minds, not just in Afghanistan, but in this country. I am pleased to say that in 30 minutes' time, in Colchester, the commander of 16 Air Assault Brigade, Brigadier Chiswell, will be doing just that. He will have a briefing with more than 100 leading members of the local community, in what is being billed as a "Post Afghanistan Operational Presentation". That is where I would be if it was not for this debate.

Aspects of this debate will be fed back to our troops in Afghanistan, particularly in Helmand province. Aspects of it will also be picked up by the families of those serving there, those who have served there and, particularly, the families of those who have lost loved ones. This time last year, as the Secretary of State for Defence will recall, it was soldiers from 16 Air Assault Brigade who were taking the brunt and losing lives. I visited Afghanistan twice last year, and I suspect that the morale there today is as it was a year ago—very upbeat, with people determined to get on with the job.

We in this country admire that professionalism. We sent troops to Afghanistan because it is in the interests of the civilised world that there is success there. I am delighted to say that tomorrow, to show that respect, the honorary freedom of the borough of Colchester will be bestowed on 16 Air Assault Brigade. I have every confidence that for the fourth time in 12 months, the High street will be packed with thousands of local people. Sadly, two of the occasions on which that respect was shown were military funerals, but there was an upbeat mood at the "welcome home" parade. On Saturday, the Colchester military festival will take place, and in excess of 20,000 people are expected. That is all part and parcel of winning hearts and minds in this country. Although I voted against the Iraq war, the Government are absolutely right in what they are doing in Afghanistan, and I support them 100 per cent. in that.

[Bob Russell]

That said, I challenged the Prime Minister on a point on Monday. I heard the Foreign Secretary say today that there are 51 countries deployed in Afghanistan. What is not said is how few European countries have deployed troops to southern Afghanistan. Certainly none of the major European countries—"major" in terms of population and the size of their armed forces—has done so. If possible, we need to get our European allies on board more.

We will not go into the matter of helicopters—we have had that debate—but I urge the Secretary of State for Defence to look into getting more unmanned aerial vehicles. I am absolutely convinced that if we deployed more of them, our troops would be able to see what is happening, and hopefully could deal with some ambushes before they happen. Please, Secretary of State, let us have a lot more UAVs.

I believe that the Afghan people do, in the main, support what is going on. I have met representatives of the Helmand provincial council, including two lady council members who would never be allowed to hold office if the Taliban ran the country, and that is an important point.

I said that I was sure that messages from this debate will find their way to Afghanistan, but messages come back from the front line to families, too. Two days ago, I received a letter from a mother; I shall end with a quote from it, because I find it poignant, and because it confirms what I say about winning hearts and minds:

"Dear Mr Russell,

I hope you won't mind me writing to you, but before a fall put an end to a planned visit to Colchester, I intended to lay flowers & a card at the garrison & somehow try to thank the people of the town for their support & generosity.

Why, I guess you are asking yourself? Well, last year my son, along with fourteen other Aussie soldiers, had the honour of training and serving alongside the 7 paras RHA, where they were later deployed together in Helmand.

On their return, the boys told us of the kindness and generosity shown to them, the most welcomed food parcels, cards and good wishes whilst in Colchester and Afghanistan.

So, from a group of Australian mums, we would like to extend our heartfelt thanks and eternal gratitude for not forgetting 'our boys' but including them in your thoughts during the harrowing months.

With kindest regards to you and the wonderful people of Colchester.

Maureen Cohen (Mrs.)"

That letter comes from New South Wales.

5.5 pm

Dr. Roberta Blackman-Woods (City of Durham) (Lab): I returned this morning from Afghanistan, having in the past few days visited Camp Bastion, Kandahar, Lashkar Gah, Sangin, Kabul and a number of DFID-supported projects, and having met key politicians, including Governor Mangal in Helmand and the district governor in Sangin. In the short time available to me, I shall not be able to do justice to all the information that I gathered.

I also had the tremendous privilege of being able to attend the repatriation service at Camp Bastion for the eight soldiers who were killed. As the House might know, it was an extremely moving and very sad occasion, but the Army showed tremendous care and attention to detail in honouring the lives of those young men. Owing to the loss of life, it is essential that we continue to question our role in Afghanistan to be absolutely sure that we are doing the right thing. It is right to question, but it would be dreadfully wrong to conclude that we should not be in Afghanistan. It would be an absolute tragedy for us to walk out and abandon the people of Afghanistan at this point, because I learned, and received very up-to-date information suggesting that, things are moving forward positively in a number of areas.

We have to remember that, in a number of ways, Afghanistan is completely rebuilding not only its state but local government and every single service imaginable, so it has a long way to go. The information on the elections showed that registration was going better than had previously been thought, and there is hope that the result can be taken as the legitimate voice of the people. We will need to see whether that is the case, but the people in Kabul and in the provinces were hopeful.

There were also signs that the Afghan national army is improving. It has been able to take over and plan some operations itself, and to carry them out with support from the international forces. That is seen as a move in the right direction. Absolutely everyone, whether military personnel, politicians or civil servants, talked about the need for better governance at all levels, from the Cabinet to provincial councils and community development councils. In Kabul, there was an acknowledgement that the Cabinet around President Karzai was probably the best that there has ever been, so there was some concern about what would happen post-elections in August. Nevertheless, the fact that a wider group of people in Afghanistan now has the capacity to carry out ministerial roles is a good thing.

I received quite a lot of evidence from DFID about the effect of our aid. A lot of British Government aid goes, quite rightly in my view, to support the Afghan Government and, in particular, to pay the salaries of teachers, the police and other Government officials, because if Afghanistan is to have an independent future, it must have a properly functioning state that is seen to be legitimate by most of the population. It is absolutely essential that aid should support the state institutions as well as the local people.

As soon as we came out of the airport in Kabul, we saw lots of girls in their uniforms going to school. We have to make sure that here in the Chamber we give a balanced view about what is going on: not all girls are going to school, and they cannot go to school everywhere, but there has been a very big improvement on what was happening under the Taliban. It was amazing that we were able to have a meeting with the Sangin district governor, some of his officials, the police, representatives from the security forces and, critically, the provincial reconstruction team, which talked about how to improve the local clinic.

We should not take those advances for granted; we need to pay tribute to our armed forces for helping move forward the situation in Afghanistan, where some thought can now be given to governance. We also have to consider what still needs to be improved. We need to look particularly at the role of the United Nations and how there is still not enough co-ordination of the whole aid effort, to get maximum benefit for the people of Afghanistan.

5.11 pm

Mr. John Horam (Orpington) (Con): I, too, had the privilege of visiting Helmand province recently, and I strongly echo what the hon. Member for City of Durham (Dr. Blackman-Woods) has just said about the professionalism, commitment and bravery—and, indeed, hope—of the troops there. The fact is that there is greater hope in the country at the moment.

First, there has been the US surge—the extra American troops supporting our British troops contribute enormously to a sensible arrangement between the forces. Secondly, there has been a significant change in the attitude of the Pakistani army, Government and people. We therefore have the opportunity, for the first time in eight years, of having what is in effect a pincer movement, from the north in Afghanistan and the south in Pakistan, against the Taliban troops who are along the border and the Durand line. The situation is definitely hopeful, and we should not underplay that.

In the short time available, I want to move on to Foreign and Commonwealth Office issues rather than military issues, because I have concerns about the FCO. First, I was dismayed to learn at a recent briefing by the interdepartmental committee on policy on Afghanistan and Pakistan that there is no Pashto speaker at the Foreign and Commonwealth Office or Department for International Development in the area and only two Pashto speakers in the military in the area.

Once upon a time—perhaps in the days of the Malakand field force, about which Churchill wrote a book—the Foreign Office could produce people who could speak Pashto out of the top of its head, but the fact is that there are none now. Why is that the situation after eight years? I hope that the Defence Secretary will pass on that concern to his colleagues in the Foreign Office. There is a real problem; obviously, there has to be dialogue between the troops and DFID and FCO representatives and the local Afghan people. That should involve native speakers as far as possible. We know what happened in Iraq: it is very difficult to work all the time through interpreters.

My second point is about continuity of personnel. The contracts are negotiated individually by the FCO, but they often last only six months, and for those six months people work six weeks on and two weeks off. That means that one person may be doing one and a half jobs—not only their own job, but half of somebody else's as well. There is therefore a very short time for people to get experience. Furthermore, because of the difficulties of the situation; more mature officials with families do not want to go to the country. The people on the ground are young, inexperienced, do not speak the language and are there for only a short time. Is that a sensible way to show our commitment to a foreign policy that is so decisive and such a priority in the Foreign and Commonwealth Office? I suggest not.

Thirdly, I want to return to a point mentioned by my right hon. Friend the Member for Richmond, Yorks (Mr. Hague). When I was in Afghanistan only two months ago, the UN commissioner was in despair about co-operation between the various organisations and national bodies: the European Union, the Americans, NATO and so forth. There are so many different people there, and so many acronyms that one has to deal with, that the situation is fantastically complicated. We must have some simplification and real co-ordination. I hope that General McChrystal might be able to impose some degree of greater co-ordination. However, I am afraid that the Americans are part of the problem because—according to the UN commissioner—they do not sufficiently tell other people what they are doing and what is happening.

Finally, over the past four or five years there has been mission creep. Other aspects have developed, absolutely desirable as they may be. The hon. Member for City of Durham referred to the young women in the streets of Kabul going to and from school in their hundreds. One's heart leaps at that wonderful, marvellous sight, but the fact is that we are not ultimately there for that reason. We are there to pursue the Taliban and arrive at a point where we can withdraw because the Afghan Government, army, police and justice system are able to cope with the Taliban and the threat from al-Qaeda. That is why we must now, and at all times, concentrate on security and on helping our troops.

5.16 pm

Ann Winterton (Congleton) (Con): I would like to associate myself with the powerfully and eloquently expressed remarks of my hon. Friend the Member for Mid-Sussex (Mr. Soames) about the families of our armed services, and indeed all those who serve in our armed services.

The answer that I received to my question in Monday's Defence questions from the Minister for the Armed Forces convinced me that it will be a miracle if we ever win the war in Afghanistan. It could so easily end in yet another military defeat, perhaps not like in Iraq, where we were virtually shown the door, but through the potential—I stress that word—collapse of support in the United Kingdom as more and more body bags are returned home and people ask why. I believe that that question has been answered very adequately several times in this debate, so I do not intend to repeat the reasons.

My question to the Minister was:

"Is not one of the greatest threats to the security of Afghanistan the incompetence and abject failure of reconstruction projects which are imposing additional intolerable burdens on our security forces?"

He responded:

"Health centres are open, schools have been rebuilt and girls are at school in Afghanistan today, and that simply was not the case in 2001. Yes, we face significant challenges, but I think that hon. Members understate the progress we are making if they deny that reality."—[*Official Report*, 13 July 2009; Vol. 496, c. 19.]

The reality is that both the ministry and the military are spinning like mad, making out that the United Kingdom is winning, just as they did when we were in Iraq, when in fact we are losing. The military and politicians alike blame the Government for underfunding defence, but when one considers the expense and waste in what can only be described as some disastrous procurement decisions, it is enough to make one weep.

Three ministries are involved in Afghanistan—the Foreign Office, the Department for International Development and the Ministry of Defence—and they appear to be failing to work together. Indeed, that must be the case if the three Secretaries of State have only one meeting a month. I can only question how security

[Ann Winterton]

is to be achieved by the provision of health centres and schools—which will, in any case, be provided only in the town areas, not in the countryside. Health centres and schools are very desirable, but the first priority should surely be security so that people can go about their daily lives feeling relatively safe.

Yet another example of a total waste of money is the theme park with the Ferris wheel. Who can have allowed such a stupid decision to have been made, at not inconsiderable expense? Is the international community expected to pay the staff and running costs for ever? Unless the economy in Afghanistan is developed with local people playing a full part, it will most certainly have to continue to do so. Coupled with that, the desire to turn the fragmented tribal nation that is Afghanistan into a democracy greater than the one that we experience here in the United Kingdom is surely a mission beyond reality, not least because of the high levels of corruption, including at the highest level in government.

The international security assistance force and Afghan national army forces can hold the cities and towns—some only just—but the countryside can never be held in the foreseeable future while the rural population continue to be bombed and shot at. They have precious few benefits and certainly no peace or security, and for many years ahead the Taliban will be prepared to evaporate from and reappear at will in that community, from which they are of course indistinguishable to non-Afghans.

One way in which the hearts and minds of the rural population could be won is through the creation of good communications—in other words, a road and bridge network that would allow the movement of goods and thereby encourage trading and the development of markets and businesses. That, in turn, would enhance stability, because people have a vested interest in peace and security.

If one studies the history of any nation, one sees that the greatest progress comes about when there are boom times, with the population in work, fed and housed. A good communications and transport infrastructure is an essential element of that. Schools and hospitals follow when a profitable business base has been developed to support those ventures in both rural areas and towns. We are surely putting the cart before the horse by not focusing on construction projects, which would bring in their wake enhanced security.

Dr. Blackman-Woods: Will the hon. Lady give way?

Ann Winterton: I will not if the hon. Lady does not mind, because of the time.

If ISAF shows no confidence in the inadequate road network and have to use off-road vehicles, what signal does that send to the Afghan national army, the police and civilians, and the—

Mr. Deputy Speaker (Sir Alan Haselhurst): Order.

5.22 pm

Mr. Bernard Jenkin (North Essex) (Con): I agree with much of what my hon. Friend the Member for Congleton (Ann Winterton) said about the lack of co-ordination between Government Departments here in Whitehall. It has become axiomatic that Whitehall is not on a war footing, as it should be. I agree with what my hon. Friend the Member for Orpington (Mr. Horam) said about the complexity that we have created for ourselves, particularly between the EU and NATO. Everybody knows that that arrangement does not work and has to be sorted out on the ground in spite of institutional conflicts.

That underlines the fact that, although I have the greatest respect for the right hon. Member for Airdrie and Shotts (John Reid), the original deployment on Operation Herrick IV in 2006 will prove to be one of the most ill-judged and ill-conceived military deployments of modern decades. That is not because of what he said or did not say at the time, but it is widely known and has been confirmed on the public record to the Defence Committee by Brigadier Ed Butler that the whole operation was artificially capped by the Treasury at 3,150 men and a cost of £1.5 billion, a sum that was meant to last over three years. That initial strategy was quickly diverted by political pressures into the platoon house strategy and into defending far too many forward operating bases with far too few troops and—the ubiquitous subject—far too few helicopters.

John Reid: I, too, stand in great admiration of Ed Butler for his courage and skills, and for the kind words that he said about me to the Committee, but on this one he is wrong. I can assure the hon. Gentleman that the force configuration was given to us by the chiefs of staff. My job was to ensure that we got the money necessary for the configuration that they requested. He may say in retrospect that they got it wrong, but I can assure him that that configuration was not cut, limited or reduced by the Treasury.

Mr. Jenkin: I have to accept the assurance that the right hon. Gentleman has given, even though we have conflicting testimony. However, we have wonderful armed forces in this country, who tend to put the best complexion on what they are being asked to do; they tend to give the optimistic view. I have an eye-witness account of the final Cabinet Committee meeting that signed off the deployment. A row was expected, but it never took place. We know that the deployment was driven ultimately by the desire to showcase Helmand as the British province that would lead the way as an example to the rest of Afghanistan. That has lamentably not been the case. We are finding ourselves in an Iraq situation, whereby we depend on American reinforcements to bail us out of circumstances, which we have neither the capacity nor the military will to pursue on our own.

We need to be realistic about the way in which the campaign is developing. Between September and December 2007, there were 75 improvised explosive device attacks on NATO forces. In the same period the next year, there were 180 such attacks. This year, there were 361 attacks in March, 407 in April, 465 in May and 736 in June. The dramatic rise in casualties was inevitable in those circumstances. I respect those who say that a rise in casualties was inevitable, given that there is currently a big push forward, which is being resisted.

However, we are in the early stages of a new Afghan strategy. President Obama, for good or ill, has decided to make Afghanistan rather than Iraq his political priority. I believe that that is directed more by electoral

and politically correct UN-sanctioned considerations rather than a more realistic campaign. It became clear to me as soon as I rejoined the Select Committee in 2006 that the problems in Iraq would be far easier to resolve and that Afghanistan would be a much harder nut to crack. As the hon. Member for City of Durham (Dr. Blackman-Woods) said, we are still trying to turn Afghanistan into a fully functioning state. That is a tall order for a country that has hardly ever been such—certainly not in living memory. At least Iraq had been a country and feels like a nation. Afghanistan is made up of many nations, which have historically been at war with each other.

However, we have a new strategy under General McChrystal of primarily defending civilians and putting in far more troops, but it is too soon to say what will happen. I find myself—somewhat uncomfortably—agreeing with the right hon. Member for Oldham, West and Royton (Mr. Meacher) and the hon. Member for Hayes and Harlington (John McDonnell), who start from a completely different premise from me. I fear that their pessimism may be vindicated, but it is too soon for the House to decide or form a judgment about whether the new McChrystal strategy will succeed. However, we will know in a few short months—soon after the elections in August and by the time the House sits again in the autumn.

At that time, neither the House nor Ministers should depend on yet more military advice—it is not right just to ask for more military advice until a politically convenient answer is given. The politicians must take responsibility for a proper judgment call on whether it is worth continuing to pursue a strategy that already appears to be in some trouble. Perhaps we will need to revert to a much more limited objective. Perhaps the offensive will buy us the space in which to develop a much more limited strategy. We will know in a few short months the judgments that we are required to make.

5.29 pm

Mr. Tobias Ellwood (Bournemouth, East) (Con): It is a pleasure to help to conclude this debate. However, I am sad that it has taken the number of deaths that it has for the Government to recognise the importance of having these debates. We are at war, and we should have these debates on a quarterly basis, rather than being forced to have them in this manner.

If any Member wants to get an idea of how committed our troops are, they should go to RAF Brize Norton just before the take-off of one of the TriStars that take our valiant troops out to Afghanistan and see the worry and the anxiety on the faces of their families as they give them their final embraces before saying goodbye to those departing soldiers who are doing such a brave job for Great Britain.

I have just come back from Afghanistan, where I got a first-hand overview of what is happening in Operation Panther's Claw. Again, I underline the bravery of our troops who are committed out there. My question was: what happens when the bullets stop flying? What happens when the Babaji area is cleared? Not one senior officer had any idea what the plan was to take over, reconstruct, build and help with local governance. That is absolutely appalling.

The Government must wake up and understand, if they believe in this mantra of "clear, hold and build", that at the moment all we are doing is clearing and a little bit of holding. However, absolutely no building will take place if the general in Kandahar in charge of regional command south is not aware of what the reconstruction plan is. *[Interruption.]* I see the Secretary of State grimacing. I invite him to intervene and say what the plan is. Tell us what is going on. He cannot.

Mr. Bob Ainsworth: If the hon. Gentleman is trying to suggest that there is nothing going in behind the military advance in Babaji, he is talking nonsense.

Mr. Ellwood: If the Secretary of State has an idea of what is going on, he should inform his troops, because they do not know. That is what they told us—that is exactly what happened.

Let us look at the figures. Our MOD budget for Afghanistan is £2.7 billion, while the DFID budget is £207 million—these are 2008 figures. The difference is almost tenfold. There is no way that we can go in and clear and hold and then expect to build if there is a tenfold difference between what we are spending on reconstruction and development and what we are spending on security. That money comes from DFID's budget of £7 billion, but that is aside from the myriad other funds that go into Afghanistan, through the EU, the United States Agency for International Development, the World Bank and the International Monetary Fund. Vital co-ordination is required, which needs to be tied in with what we are doing on the ground, so that we have a plan when the bullets stop flying in places such as Babaji.

The other aspect that needs to be underlined is the importance of the Afghan national army. Training is progressing, but as my right hon. Friend the Member for Witney (Mr. Cameron) said two days ago, only 8 per cent. of the Afghan armed forces are based in Helmand, which compares with the fact that 40 per cent. of the fighting in Afghanistan is taking place in that province. Why are the Afghans not doing more? My right hon. Friend made that point, and by the next day the Prime Minister was on the front page of *The Guardian* claiming to be demanding that President Karzai send in more troops. I am glad that the Prime Minister is waking up to the cause, but it is a shame that he cannot admit where he got the information from.

There is no time to focus on the economic issues; I would just like to stress how useful it would be to complete a 50-km railway line from Spin Boldak to Kandahar. That would allow markets to develop and allow people to move away from the poppy trade.

I would like to end on a tribute to a friend and Army colleague, Colonel Rupert Thorneloe. I have just come from his funeral. He was riding in the front passenger seat of a Viking on 1 July and was killed instantly by an IED, along with Trooper Joshua Hammond. Colonel Thorneloe wanted to see the lay of the land, but there were no helicopters, so he had to jump on a convoy that was taking "replen" to the 2nd Battalion. He leaves behind Sally, his wife, and Hannah and Sophie, his two daughters.

I highlight Rupert Thorneloe not because he is an officer, but because he was a friend. We met at Sandhurst and have been friends since. It is a sombre occasion to hear the names of the fallen read out at Prime Minister's

[Mr. Ellwood]

questions, but it is now a regular event. The reading out of the names of fallen Britons in the battles of Afghanistan is a moving ritual, but there is an emotional distance for us here, where we can secure ourselves away from the horror that a family has to go through when confronted with the news, either on television or in the Chamber, that someone has died. We feel for that family here—for their loss and their emptiness—but unless we know the person or the family personally, we choose to move on, perhaps deliberately, in order not to dwell on the circumstances or the tragic consequences for those who have to live with the memories.

More than 50 regimental colours and battle honours line the walls of the Guards chapel at Wellington barracks. They carry the scars of hundreds of years of campaigns. Each one is weathered and faded, hanging motionless but shouting out a thousand stories of bravery by the soldiers who followed it into battle. They served as a fitting backdrop to the brand new Union Jack that covered Colonel Rupert Thorneloe's coffin, which was carried by eight Guardsmen in complete silence, other than the sound of their boots marching in step. And so tributes were paid, a life was celebrated and a death mourned. He was a brave soldier, and a quiet, intelligent and compassionate man. He was devoted to his wife, Sally, and to his daughters, Hannah and Sophie.

Having known Rupert Thorneloe, I have dwelt on his death, and consequently on the sacrifices that he and others have made. I have made it my business to try to understand what is happening in Afghanistan, which is not so much a nation as a land mass occupied by an incredible mixture of cultures, ideas, languages and peoples who have rarely been united in the past 1,000 years other than when forced to come together to fend off an aggressor on their own land.

I urge the Prime Minister to rethink our objectives in Afghanistan and what we are trying to achieve there, and to provide all the support and resources necessary not only to provide security but to enable the Afghans to stand on their own feet and finally to allow our troops to come home.

5.36 pm

Dr. Liam Fox (Woodspring) (Con): I am confident in saying that, for all of us in this House, the sight of flag-draped coffins carrying those who have died in the service of their country back to our shores is a reminder that the death of every serviceman and servicewoman is a personal tragedy that leaves a permanent hole in the lives of those who loved them. Likewise, every limb lost and every disabling injury represents a life changed for ever. It is not least because of these sacrifices that we have a duty to ensure at all times that we, the politicians, get the policy right.

My right hon. Friend the Member for Richmond, Yorks (Mr. Hague) began this debate by talking about the fact that we are in Afghanistan out of necessity, not choice. The hon. Member for Birmingham, Edgbaston (Ms Stuart) reminded us that we are there as a legal requirement as part of our treaty obligations when article 5 of the NATO treaty has been invoked. That is not pointed out often enough when we discuss Afghanistan.

We are in Afghanistan primarily for reasons of our national security. It has been pointed out frequently and correctly in this debate that Afghanistan was the place where the 9/11 attacks were hatched and planned, and it would again be a place where that could happen, were we not to deny the space to those who did that planning. That is why we are there. There are many other laudable aims, some of which have been discussed this afternoon. It is wonderful when we can get Afghan girls back into school, and when we see the extension of human rights, but we are primarily there for reasons of national security. We need to remind the public of that if we are to maintain public support and the necessary resilience to see this conflict through.

It is sometimes difficult for us to express what we mean by winning in Afghanistan, but it is easy to describe what we mean by losing. Were we to lose, and to be forced out of Afghanistan against our will, it would be a shot in the arm for every jihadist globally. It would send out the signal that we did not have the moral fortitude to see through what we believe to be a national security emergency. It would suggest that NATO, in its first great challenge since the end of the cold war, did not have what it takes to see a difficult challenge through.

The countries that have rightly been identified today as not pulling their weight and not engaging in proper burden sharing in Afghanistan might like to reflect on what the collapse of NATO would mean. Those countries that have failed to make the 2 per cent. of GDP cut in respect of their defence spending might want to reflect on the effect that a world with an isolationist United States might have on their security. I hope that those in many capitals—not least the capitals of the European NATO member states—are reflecting on what life might look like if NATO were to start to fall apart.

When it comes to what we mean by winning, we have to stand back and recognise that this is a geopolitical struggle. The reason why we can define what we mean by winning is that we want to see a stable Afghanistan, able to manage its own internal and external security to a degree that stops interference from outside powers and allows the country to resist the terror bases and the training camps that were there before. That is what success means in Afghanistan. We are not trying to apply, or we should not be trying to apply, a Jeffersonian democracy or a western European ethos to a broken 13th century state—and certainly not within a decade. Those are unrealistic aims that are likely only to disappoint public opinion in the UK and to frustrate those in Afghanistan who are finding it difficult to build on the ground.

What we need to see, as has been regularly pointed out in this debate, is a strengthening of the Afghan national army, a nurturing and then a strengthening of the Afghan national police and the development of a rule of law in which there is some semblance of the fact that the governing and the governed are being treated in a similar way. That should eventually lead to the concept of rights, which will be necessary if we are to see any sort of democratic structure in the future.

Of course no one believes that we can have a purely military victory in Afghanistan. As has been pointed out, we will have to deal with those who are reconcilable, even from among those who may have fought against us in the past, and we may have to recognise that some will

be irreconcilable—and the only way to deal with them will be in a military fashion. Much as we would like everybody to be reasonable, we need to recognise that some will be utterly unreasonable; they have chosen to confront us, so we will have no option but to confront them in due course.

One aspect that has moved on, and which is enormously positive in comparison with the position in some of our previous debates, is that we now recognise that Afghanistan and Pakistan have to be dealt with as a single entity—a single issue. From the Foreign Secretary's speech onwards today, there has been a realisation in the House that that is where we need to go. We must give Pakistan every support we possibly can financially, politically and militarily, because a collapse in Pakistan would make what we want to see in the region utterly impossible. If we think we have problems with a broken state such as Afghanistan, we should try a broken Pakistan nuclearly armed and with a vastly greater population.

Pakistan already has deep-rooted political problems and very deep-seated economic problems. It has problems with its relationship with India—the situation is still very tense—which causes the country to keep a large proportion of its armed forces facing in that direction. Now we are asking Pakistan to do more in the north-west, which is a tall order. Other countries in the region and traditional allies of Pakistan should also ask what they can do to help on that particular front.

When we send our forces to war, we have two basic duties to fulfil. One is that we have to do everything possible to guarantee the success of the mission; and secondly, we have to do everything possible to minimise the risk to our armed forces in carrying out that mission. We need to have a clear strategy, as my right hon. Friend the shadow Foreign Secretary mentioned at the outset, yet we sometimes have a lack of clarity about what it is that NATO, the UN, the US or Afghanistan are trying to do. It is sometimes not a question of whether we have a strategy, but of whether we have too many of them and whether they are, in fact, compatible with one other.

We also need a clear command structure. I think that the structure is improving, but it has been a problem in recent years. We need co-ordination between Government Departments here and agencies abroad, including in Afghanistan. As the right hon. and learned Member for North-East Fife (Sir Menzies Campbell) mentioned, the relationship with the Afghan Government is rife with corruption. We are not seeing the NGOs going in and carrying out reconstruction. Indeed, I think we need to ask ourselves whether we have the capability in this country to carry out reconstruction in a hostile environment. If the answer is no, we have to do much more to create that capability and learn from what has been done elsewhere.

We must have better burden sharing among the allies, which is simply not happening, and we must have the equipment we need. Let us make no mistake: we are engaged in a crucial and historic struggle, so public trust is important for the resilience that we will need. The public must believe that they are being told the truth and given the full picture. My right hon. Friend the Member for Richmond, Yorks said at the outset that it would be better if we had regular updates or perhaps quarterly debates in the House, with the Government coming forward, even if it had to be in closed session, to enable Parliament to know exactly what was happening.

My hon. Friend the Member for Mid-Sussex (Mr. Soames) pointed out that the Prime Minister has behaved, at best, in a very casual manner when it comes to keeping the House involved. As my right hon. and learned Friend the Member for Kensington and Chelsea (Sir Malcolm Rifkind) said, there is an erosion of trust between Ministers and the public, and Ministers and the military, which is extremely unhealthy.

There is no doubt that the personal equipment that our armed forces are getting is immensely improved. If one talks to soldiers on the ground, they will say that their personal kit is much better than they have had before. That is to be welcomed—a lot of it came late in the day, but it is welcome that it is there. However, we still have a problem with armoured vehicles and helicopters, which are related issues. There is no way to guarantee the safety of our forces in a conflict zone—the public know that we cannot fight wars without casualties and fatalities, but they expect us to minimise the risk. Of course, helicopters are not a panacea—they are vulnerable themselves—but we must give our commanders the option of moving our men more by air, and not simply depending on movements by road, which signal to the Taliban what is coming, and make our forces more vulnerable.

Time and again in recent days, we have pointed out that the cut to the helicopter budget of £1.4 billion in 2004, in the middle of two wars, was a catastrophic decision. The Government were warned about the consequences, did not do anything to deal with the matter and are now playing catch-up. Worse, instead of admitting the mistakes, they are treating us to word games and distorting statistics. I sometimes wonder whether the Prime Minister has a pathological inability to admit that mistakes have been made. When he talked about a 60 per cent. increase in helicopter capacity over two years, he failed to point out that since we deployed properly to Helmand three years ago the number of troops has increased by 100 per cent. It does not take a genius to do the maths and work out what that means. Does he think that that fools anyone? Does he think our troops will not see through the spin being applied? Today's Defence Committee report also pointed out future gaps in terms of helicopters.

The issue of troop numbers was also touched on briefly, and my hon. Friend the Member for Mid-Sussex spoke with great clarity on the matter. The Opposition have not had a presentation from our military chiefs about increased numbers. However, there is a widespread understanding that 2,000 extra troops were sought, with an extra battalion to help to train the Afghan national army, and one for the Afghan national police. We have always said that more troops should be accompanied by proportionate and appropriate increases in resources. However, if the Prime Minister turned down a request for more men, which would have helped to speed up the training of the Afghan army and police, therefore enabling us to carry out our task and leave Afghanistan earlier, why was it refused? The British public have a right to know why the Prime Minister did not take the advice of the senior military.

[Dr. Liam Fox]

Right at the beginning of the debate, my right hon. Friend the Member for Richmond, Yorks said that we are fortunate that in a society without conscription, we have people courageous and committed enough to put their lives at risk voluntarily for the security of their country and their fellow citizens. They know their duty, and risk their lives carrying it out. We, too, have a duty to them. It is time that that duty was properly and fully carried out.

5.48 pm

The Secretary of State for Defence (Mr. Bob Ainsworth): It was very important that we debated Afghanistan today, particularly with the losses that we have been suffering in recent days. I do not disagree that there is a need for regular debates: I arranged a briefing from the military on Tuesday, so that we could have a briefing before the recess. We shall try to ensure that we have debates as regularly as possible.

We all need to be focused on understanding what our people are doing in Afghanistan. I understand the importance of ensuring the widest possible cross-party support. With all the talk that there has rightly been about material support for our forces to do the job we ask them to do, let us not forget the need for moral support as well.

Our armed forces are the best of the best: professional, skilled, determined and courageous. As many Members of the House have today, I want to add my tribute to the fallen: their sacrifice must never be forgotten, and neither should we forget the sacrifice of those who return with life-changing injuries, whether physical or mental. They must and will receive the support that they need. We owe it to all those who have fallen, to those who have suffered, and to the entire nation, to explain why the sacrifice is being made.

As the Foreign Secretary has said, we are operating in Afghanistan to protect our national security. We are fighting the Taliban to prevent al-Qaeda, and the terrorists whom they bring, from returning to Afghanistan and threatening us directly. For Britain to be secure, Afghanistan needs to be secure. This is not just about the UK's national security; 42 nations are taking part in one of the widest ever international coalitions, and it is about their national security too. The international community has a joint strategy for success, not just a military strategy but a comprehensive strategy for governance, development and reconstruction.

People ask—it has been asked again in the House today—why we are fighting in Afghanistan when al-Qaeda has relocated to Pakistan. Given that we defeated the Taliban in 2001, why are we still fighting them now in 2009? Those questions are understandable, but they misunderstand the situation. Al-Qaeda has relocated to the borderlands in Pakistan and it poses a direct threat to Pakistan and to wider international security, but it is not in Afghanistan, because we are in Afghanistan. If we allowed ungoverned space to exist in Afghanistan, al-Qaeda would take the opportunity to return. That is why, as the Foreign Secretary said earlier, our strategy is not on Afghanistan alone, but focuses on Pakistan as well. That is why in April the Prime Minster presented to the House—and published in a document—our overarching, comprehensive strategy to tackle terrorism in the region which is a direct threat to our national security.

We are fighting the Taliban now in Afghanistan because a Taliban return would give al-Qaeda greater freedom to operate: freedom to plan, direct or provide support for more terrorist attacks—as was pointed out by the hon. Member for Woodspring (Dr. Fox)—like those of 9/11 in New York and Washington, in Madrid, and here in London, among many others. And for the Afghan people, a Taliban return would mean a return to brutality, oppression, intolerance and violent extremism. In 2001, as part of the international coalition, we defeated the Taliban and cleared out al-Qaeda. We returned in significant numbers in 2006, and have increased our commitment since then, because they are back threatening the stability of Afghanistan, Pakistan and the region.

Let me turn to some of the issues that have been raised. Helicopters are important. I shall tell the House what I will do, but first I shall tell it what I will not do. I will not put Merlins into Afghanistan before they are ready—before the crews are trained and the blades, defensive suites and night vision are fitted. I will not put soldiers in the back of helicopters in a war zone when the crews and frames are not ready. *[Interruption.]* Some newspapers, and perhaps some Members, are suggesting that we can and should do that, but we cannot put Merlins in Afghanistan before December this year if we want a good, safe and capable force. We cannot bring that forward. I have talked to many people about whether we can, but we cannot.

Let me tell the House what I will do. I will, if necessary, bend people out of shape to ensure that the Lynx has all the necessary capability from this October, so that we do not have to withdraw it in the spring. I will consider again whether there is any way in which we can bring the eight useless Chinooks that we bought back in 1996 into service any more quickly. Our plan is to get additional Chinooks out there next summer, and if we can do it more quickly, we will. I will consider again whether we can squeeze more out of every frame that we have. When troops are in the field, I am going to satisfy myself that every single muscle is being flexed in every single part of our helicopter capability.

I saw what the Select Committee's report said about the Puma upgrade and the defence industrial strategy. I must say to the right hon. Member for North-East Hampshire (Mr. Arbuthnot) and his Committee that I hope that that is not code for putting industry before our armed forces. Capability must come first. The Puma upgrade will go ahead. Given the resources that I have, that is the best way in which to deliver the capability that we need as quickly as possible.

Since 2006, we have increased the number of airframes available to commanders in Afghanistan by more than 60 per cent., and the number of helicopter hours, which commanders use to plan, by 84 per cent. Commanders on the ground in Afghanistan are clear that they have enough helicopters to meet the requirements of current operations, but they always want more, and I must, and will, continue to work flat out to try to deliver them everything we can.

On troop numbers, this is an international mission to which the UK is the second largest troop contributor. UK forces are doing a large part of the heavy lifting in

Afghanistan, having provided the vast majority of international forces in the most difficult province in the country for the last three years. As the Chief of the General Staff intimated just yesterday, new boots do not need to be UK boots. This is a NATO operation, and we have increased our commitment as part of the surge to prepare for the elections, but so have others. There are 400 new Polish troops, 450 more Australians and more Spanish, Lithuanians, Romanians, Swedish and Germans—and, of course, thousands more from the USA.

We have debated troop numbers and options, and, as the Prime Minister clearly stated on Monday, we keep our force levels under constant review, depending on the operational requirement. We have the manpower we need for the current operations. We will review our commitment after the Afghan elections, on the advice of our commanders and in discussions with our allies.

Let me say a few words on Operation Panther's Claw. As the Foreign Secretary said in opening the debate, the purpose of the operation is to provide the estimated 80,000 people in the Babaji area with sufficient security to allow the elections to take place. This requires clearing out the Taliban and preventing them from intimidating local people so they can live and vote in safety. All the reports I am receiving from theatre are that this is going to plan. ISAF now has a significant security presence in a previously ungoverned area. The insurgents are being hurt; we are taking out large numbers of insurgents, but that is not the measure of success. We need to win the people. Engagement with the local population is bearing fruit: the first outreach Shura was being held in the newly cleared area; priority development and governance and reconstruction projects are being identified; and polling stations are being planned. This is happening right behind the front line. There is significant momentum and we are pushing through the area and driving the enemy out, but the task is going to remain hard, and we should brace ourselves for further casualties. I am sure that right hon. and hon. Members in all parts of the House will want to provide our armed forces with the support they need, want and deserve as they continue to do the job.

Ann Winterton: Is the right hon. Gentleman able to answer the question that I posed to the Foreign Secretary at the outset of this debate about the helicopter that had been contracted to the British?

Mr. Ainsworth: We suffered the loss of a contract helicopter in the north of Helmand province and there were deaths as a result of that. I will write to the hon. Lady and give her more detail on it if she wants. I know that she often raises the issue of vehicles and that she has had a long-standing interest in the subject. People continue to say that there is a huge problem with vehicles. We have a suite of vehicles now, including Mastiff, Ridgback and Jackal. We also have the new tactical support vehicles—Wolfhound, Husky and Coyote—coming into province. It is cruel to pretend to those who have lost their lives that we will be able to stop our people dying by providing more helicopters or a suite of vehicles. Many Members have said that this afternoon, however. Even if we can get to the point where every single vehicle is available in every single location the length and breadth of the Helmand province for every operation, from time to time people will have to get out of those vehicles. They have to make contact with the people; they have to walk among them and win them over. That is dangerous work and it is cruel to pretend that we can remove the danger from the job that we ask our people to do.

Question put and agreed to.

Resolved,

That this House has considered the matter of Afghanistan and Pakistan.

Business without Debate

COMMITTEES

REGIONAL SELECT COMMITTEE (WEST MIDLANDS)

Motion made,

That Dr Richard Taylor be a member of the West Midlands Regional Select Committee.—*(Kerry McCarthy.)*

Hon. Members: Object.

REGIONAL SELECT COMMITTEE (YORKSHIRE AND THE HUMBER)

Motion made,

That Mary Creagh be discharged from the Yorkshire and the Humber Regional Select Committee and Mr Austin Mitchell be added.—*(Kerry McCarthy.)*

Hon. Members: Object.

REGIONAL SELECT COMMITTEE (SOUTH WEST)

Motion made,

That Linda Gilroy be discharged from the South West Regional Select Committee and Roger Berry be added.—*(Kerry McCarthy.)*

Hon. Members: Object.

SITTINGS OF THE HOUSE

Motion made,

That, at the sittings on Monday 20 July and on Tuesday 21 July, the Speaker shall not adjourn the House until any message from the Lords has been received, any Committee to draw up Reasons which has been appointed at that sitting has reported, and he has notified the Royal Assent to Acts agreed upon by both Houses.—*(Kerry McCarthy.)*

Hon. Members: Object.

SELECT COMMITTEE ON THE REFORM OF THE HOUSE OF COMMONS

Motion made,

(1) That a Select Committee be appointed to consider and make recommendations on the following matters:

(a) the appointment of members and chairmen of select committees;

(b) scheduling business in the House;

(c) enabling the public to initiate debates and proceedings in the House; and

(d) such other matters as appear to the Committee to be closely connected with the matters set out above, and to report on these matters by 13 November 2009;

(2) That the Committee also consider such other matters as may be referred to it from time to time;

(3) That the Committee consist of eighteen Members;

(4) That Mr Graham Allen, Mr Clive Betts, Mr Graham Brady, Mr David Clelland, Mr David Drew, Natascha Engel, Dr Evan Harris, David Howarth, Mr Michael Jack, Mr Greg Knight, Mr Elfyn Llwyd, Mr Chris Mullin, Dr Nick Palmer, Martin Salter, Dr Phyllis Starkey, Mr Andrew Tyrie, Dr Tony Wright and Sir George Young be members of the Committee;

(5) That Dr Tony Wright be Chairman of the Committee;

(6) That the Committee have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, to report from time to time and to appoint specialist advisers;

(7) That this Order be a Standing Order of the House until the end of the present Parliament.—*(Kerry McCarthy.)*

Hon. Members: Object.

PETITION

Steel Industry (Yorkshire)

6 pm

Mr. Denis MacShane (Rotherham) (Lab): As is well known, constituents in Rotherham, South Yorkshire and other parts of the country have great concern about the state of the steel industry. In less than two weeks, some 6,020 residents of Rotherham and South Yorkshire have signed this petition asking that the House and the Government treat this matter with urgency and some seriousness. On behalf of the petitioners, I now present it to the House of Commons.

The petition states:

The Petition of residents of Rotherham, and others,

Declares that the Petitioners are concerned about the decline of the steel industry in South Yorkshire.

The Petitioners therefore request that the House of Commons urges the Government to make time for a full debate on the state of the steel industry, and to bring forward recommendations, to be considered by the House, to ensure its survival.

And the Petitioners remain, etc.

[P000396]

Enid Ruhango

Motion made, and Question proposed, That this House do now adjourn.—*(Mary Creagh.)*

6.1 pm

Greg Mulholland (Leeds, North-West) (LD): First, I wish to thank Mr. Speaker for very graciously allowing this debate to take place, because I am grateful to have the opportunity to raise the case of Enid Ruhango in the House. I truly hope that this debate will finally lead us to a just resolution of this matter.

I make it clear, Mr. Deputy Speaker, that at no point during this debate will I refer to any aspect of this case that is considered sub judice. I would not normally bring an individual asylum case before the House, but I do so today because this particular case is such a sorry saga of administrative incompetence, systematic failure and a worrying disregard for human rights. My objective today is simply to put the facts of this case on the record and highlight them to the Minister and his Department. It concerns a young woman who suffered great abuse in her home country and, I am sorry to say, at the hands of our own immigration system.

Enid Ruhango first came to see me in 2006. She was being supported by her friends in the community of the All Hallows church in my constituency. Before approaching me, Enid had sought and received assistance from the hon. Member for North-East Bedfordshire (Alistair Burt), to whose work on this case at that time I pay tribute. I will never forget hearing Enid's story. Her description of what happened to her in Uganda was one of the most difficult things I have ever had to listen to in my life. She had experienced things that most of us could not imagine and certainly would not want to contemplate. She was clearly traumatised, yet she retained a quiet courage and dignity despite all that she had been through.

Enid Ruhango entered this country as long ago as 5 December 2003, having fled Uganda where she had been subjected to torture and rape at the hands of Ugandan forces. Enid claimed for asylum on 15 December 2003, but her claim was refused on 9 February 2004 on the grounds that she did not qualify under the 1951 United Nations convention on the status of refugees. On 30 April 2004, a further appeal was dismissed on both asylum and human rights grounds. In 2004, both Enid's original application for asylum and her appeal were refused on the same grounds.

On 17 May 2004, she was detained at Waterside court, in Leeds, and was transported from there to Yarl's Wood. At Waterside court, she was offered no food. In addition, she has a long-term condition for which she needs to take medicine, but she had no medication with her at that time. Someone was sent to her flat, but they did not find any medication and she was not provided with any replacement medication. Transport left at around 7 pm and arrived at Yarl's Wood around midnight. She was not told that she would need to go to the toilet before she left and, although the van stopped on the journey, she was not allowed out. She was given no food by the escorts on the journey, and staff at Yarl's Wood gave her none on arrival. She was alone all that time in the back of the van, which smelled of urine and faeces.

Enid was taken to the reception at Yarl's Wood around 7 am. Staff there gave her no food, though the van did not come for her until some time between noon and 2 pm on 18 May. Early in the morning, she had received tea and chocolate, but only from her room-mate. The transport arrived at Heathrow around 5.30 pm and Enid had to wait inside for a period. She asked to use a toilet and was refused; she was told that she would have to wait until she got on the plane. Again, she was given no food. Not surprisingly, Enid was highly distressed when escorts forcibly attempted to put her on board the plane and, as a result, airline staff refused to fly her to Uganda. She also reports that she received racial abuse from escorts, and that handcuffs were used in a way which resulted in cuts to the wrists—they left scars that are still visible.

In July 2005, in protest at the way they had been treated by the detention centre, Enid and her close friend Sophie Odogo—as well as several other women at Yarl's Wood—began a 38-day hunger strike. Enid's health deteriorated rapidly and she wrote to the hon. Member for North-East Bedfordshire, who wrote to the then Immigration Minister, the right hon. Member for Harrow, East (Mr. McNulty), informing him that the women were on hunger strike and saying that this proved their desperation. The hon. Member for North-East Bedfordshire also raised concerns about the quality of legal advice available to the women. In his detailed and substantial reply the Minister rebutted the suggestions of inadequate legal advice and ignored the information regarding the hunger strike.

Enid and her friend Sophie Odogo were both admitted to Bedford hospital, but only after they had ended their hunger strike and had started eating again. At no time during the hunger strike were they taken off the premises at Yarl's Wood.

In a letter dated 23 August 2005, the Immigration Minister stated that the Home Office took no account of the well-being of an individual once they had returned to their country of origin, and therefore the problems that Enid might have securing the medication for her condition when in Uganda were not a consideration in her appeal. On 17 October 2005, the Minister wrote again, saying:

> "The doctors at Yarl's Wood assessed Ms Ruhango yesterday afternoon and concluded that there is no medical or psychiatric problem with her. She is eating and normally mobile."

Surely someone who has been in that situation cannot be considered to be in a state of physical and mental well-being. Both Enid and Sophie continued to be held at Yarl's Wood despite their medical problems. Sophie's condition deteriorated so badly that she was transferred to a secure mental health facility, and they were of course in no condition to be deported.

Enid complained that she was not receiving correct treatment for her condition and the hon. Member for North-East Bedfordshire wrote again, voicing his concerns that Yarl's Wood did not seek second options from objective medical sources in the treatment of detainees.

On 7 December 2005, Enid's bail hearing was ordered for 10 am at Sheldon court in Birmingham. Transport left Yarl's Wood around 9 am. It did not go directly to Birmingham, but arrived at Colnbrook immigration removal centre around 12.30 pm. Only then were toilet facilities made available inside the building. Enid was taken to Birmingham, arriving between 3.30 and 4.30 pm, when the bail hearing had been fixed for 10 am. No food or toilet facilities were made available between Colnbrook and Birmingham. On the return journey to Yarl's Wood, Enid was supplied with Kentucky Fried Chicken—escorts had contacted Yarl's Wood, saying she had not eaten since the morning. She arrived back at Yarl's Wood around 6 pm.

As is well documented, the chief inspector of prisons Anne Owers launched an inquiry into health care at Yarl's Wood immigration removal centre in May 2005, after concerns were raised not only for the safety of Enid and Sophie but for that of the other women taking part in the hunger strike. The report refers to Enid as Ms B and Sophie as Ms A, and it states:

> "The delivery of healthcare was undermined by a lack of needs assessment, weak clinical governance systems, and inadequate staff training in relation to trauma...When clinical concerns were raised, the information was not systematically addressed or actioned. Nor was independent medical opinion sought or adhered to...Towards the end of the hunger strike, they were probably being advised inappropriately to re-feed in Yarl's Wood. One seems to have been denied painkilling medication while on hunger strike."

I could go on. Those devastating criticisms of the procedures in Yarl's Wood completely undermine the assertions made in correspondence between me and the Home Office that Enid was in receipt of good care there. Moreover, health reports since then have shown that this is a woman suffering from psychological problems.

On 22 December 2006, Dr. Christina Pourgourides, a consultant psychiatrist, said of Enid:

> "She is currently suffering from very significant mental health problems, namely post-traumatic stress disorder and depressive illness...She is at very substantial risk of a grave deterioration in her mental health, particularly if faced with the prospect of further detention and/or removal. Should this occur, I believer her to be a significant health risk."

Enid was eventually released from detention on 26 February 2006. Even though Yarl's Wood is supposed to be a temporary detention centre, she was there for nine months. Although both a Member of Parliament and a solicitor have raised concerns independently about the medical attention at Yarl's Wood, I do not feel that that has been taken into consideration in this case.

Throughout this time, I have had much correspondence with different Ministers on this issue, as has the hon. Member for North-East Bedfordshire. In 2006, he wrote to make the point that Enid should be allowed to stay in the country because of her association with Sophie Odogo, who was then involved in a civil case and has now been granted leave to remain.

Enid's treatment in the asylum and immigration system has been a scandal. The Home Office continually changed the schedule according to which Enid had to report to the immigration centre between weekly and fortnightly, despite the fact that she and her supporters had provided psychological reports detailing the emotional damage that these increased visits were doing. When the right hon. Member for Birmingham, Hodge Hill (Mr. Byrne), now the Chief Secretary to the Treasury, took over responsibility for the case at the Home Office, my requests for a meeting about Enid's asylum case were repeatedly declined. Despite several requests, the Home Office has not altered its position.

In a letter that I wrote on 25 July 2006, I ensured that the Minister was aware of the damning verdict on the centre as detailed in the report by the chief inspector of

[Greg Mulholland]

prisons. I have written several times to express my frustration at the clear lack of progress since that appalling time at Yarl's Wood.

Enid made a fresh asylum and European convention on human rights claim on 9 May 2008 but, notwithstanding its complexity and obvious merit, the Home Office refused to treat it as a fresh claim and sought therefore to deny her a right of appeal. Two psychologists said that Enid was clearly not mentally fit to be deported, but it took the Home Office 11 days to reject those submissions, with no right of appeal. The Home Office quickly withdrew its refusal to accept them when Enid's lawyers called for judicial review—surely a sign that they knew their case was weak—and Enid's solicitors agreed to suspend their application for judicial review at the Home Office's request.

In 2008, the Home Office again ignored psychiatric reports and put Enid back on a weekly reporting schedule, causing her great distress. In March, an extraordinary series of events led to the cancellation, on the day, of an immigration hearing on the case. I made considerable effort to attend the hearing, as did several witnesses, including a consultant psychiatrist who travelled from Birmingham and a witness who travelled from Bedford, as well as the barrister and solicitor, who travelled from London. On the very day, however, the Home Office withdrew the procedure, which frankly beggars belief given that everyone was already in place. I wrote to the Home Office asking for the costs of the cancellation, but I still have not had a response. That, I am afraid, epitomises the way this case has been handled.

Let us consider the history of this case. It beggars belief that no one at the Home Office reviewed the decision before the hearing on 30 March. Responsibility for the farce of withdrawing the hearing on the day lies entirely with the Home Office. Again, it caused enormous distress to an already traumatised woman. Then the Home Office agreed to make a new decision in 10 working days; it did not keep to that deadline, but it did then decide to refuse asylum and grant discretionary leave to remain for six months. That, frankly, was particularly cruel, because, given that leave was granted for less than six months, it meant that Enid had no right of appeal—the cruellest twist in this cruel case and the end, effectively, of her asylum claim.

I have raised this matter in the House on several occasions, but never received a satisfactory reply. I have written numerous times to Ministers, and before that the hon. Member for North-East Bedfordshire did so. Most recently, I raised the case in this House with the Minister for Borders and Immigration, the hon. Member for Oldham, East and Saddleworth (Mr. Woolas), who reassured me that the Government were looking into the case. Again, however, I have heard nothing since.

I appreciate the opportunity to put the facts of this shameful case on the record, and I hope that the Minister will consider it in its entirety. I shall assist him in doing so and will happily meet him and his colleagues, if they so wish. The simple reality is that this woman, who was terrorised in her home country of Uganda, has been let down in the United Kingdom. Enid's only family now are her friends and the community in Leeds and, in particular, at All Hallows church. The handling of this case, and the treatment of Enid Ruhango by our immigration system, is a stain on the reputation of this country as a bastion of democracy and a haven from political persecution. It is surely time to let her get on with her life—a life so damaged—which has now, in this country, been in limbo for such a long time.

Will the Minister, or his colleague the Minister for Borders and Immigration, look into this case and intervene personally, not just out of compassion—one could hardly not feel that listening to the facts—but out of a clear sense of the need to right the wrongs done to this woman in the name of his Department? I implore him and his ministerial colleague to intervene and finally bring this sorry saga to the only just conclusion and to fulfil the manifest moral responsibility to end Enid's years of suffering by finally granting her indefinite leave to remain in this country. After so many years, and after so much failure and suffering for Enid in our immigration system, anything less would be an insult to justice.

6.19 pm

The Parliamentary Under-Secretary of State for the Home Department (Mr. Alan Campbell): First, I congratulate the hon. Member for Leeds, North-West (Greg Mulholland) on securing this debate. He is continuing his long interest in this case and the wider issues that it raises. He sought, as is his right as a Member of this House, to put his concerns on the record, and he has done that in a forceful but measured way. I want to try to respond to some of the specific points put to me, but he will be aware that it is not the policy of the Government to discuss individual cases, especially when they are the subject of ongoing legal proceedings, as they are in this case.

The wider context is that the Government are delivering the biggest shake-up of the immigration system in a generation, and are transforming the asylum system. The Government proudly maintain the United Kingdom's tradition of providing protection to individuals who are found to be at risk of persecution or ill-treatment if they return to their home countries. To honour those obligations, the UK Border Agency has established an entirely new process for managing asylum applicants. Case ownership has improved the asylum process by giving responsibility for concluding consideration of applications to one person. That has created a strong incentive for cases to be concluded by giving case owners clear targets to work towards. Trained caseworkers in UKBA carefully consider all asylum and human rights claims on their individual merits, in accordance with our obligations under the 1951 UN refugee convention and the European convention on human rights.

All applications are considered against the background of the latest available country information and after full consideration of all the evidence provided. By the end of last year, as a result of those new processes, 60 per cent. of new applicants were granted permission to remain or removed within six months. By comparison, in 1997 it took an average of 22 months just to take an initial decision on asylum applications. We are succeeding in our goal of handling applications faster. That helps those who need our protection to integrate quickly into our communities, and it means that those who do not need that protection know quickly that they should leave. Asylum intake has remained broadly at the same level for the past four years, and it is less than a third of the level at which it peaked in 2002.

Last year, around 30 per cent. of the applications for asylum that were considered resulted in some kind of protection being granted in the first instance. Each of the applicants who were refused had a right of appeal to independent courts. The Asylum and Immigration Tribunal hears and decides such appeals, and it is for judges in the tribunal to decide the remit of the appeal hearing. The hon. Gentleman raised concerns about the use of immigration detention in the case that he described. Again, I must stress that there are ongoing legal proceedings on that matter, and I do not want to prejudice those in any way. However, I can talk about the wider issue.

John Battle (Leeds, West) (Lab): I understand that, and I am grateful to my hon. Friend the Minister. We should be grateful to the hon. Member for Leeds, North-West (Greg Mulholland) for the way in which he raised the issue, and for the facts that he has put on the table. I represent the reception centre for the whole of west Yorkshire—it is in my neighbourhood—and Waterside court. I probably see 100 or more asylum seekers a month, and have done for years. I have to say that I agree with the hon. Gentleman that there has been a lack of care—indeed, a neglect of the duty of care—at Yarl's Wood. On Enid's case, may I offer her and the hon. Gentleman a word of support? She has tremendous support and there is strong, personal, in-depth solidarity with her in the local community. Will the Minister assure us that he will not let the case lie in a Department in-tray, and not let it be backlogged in a legal procedure, but will instead seriously get his Department to look at her case again, from tonight?

Mr. Campbell: As ever, my right hon. Friend makes a powerful case and speaks up for his local community. He will appreciate, I am sure, that there are legal processes at work. I cannot comment on specifics, but his remarks are on the record, and I assure him that they have been heard.

UKBA has 11 immigration removal centres. They provide 3,000 bed spaces, which are predominantly for individuals who are awaiting removal, or whose applications are being processed under the detained fast-track arrangements. Let me make it clear that no one likes to use detention, but it is an essential part of the Government's commitment to operate a firm but fair immigration and asylum policy, as it assists us in removing those who do not qualify for leave to remain here and who refuse to leave the UK voluntarily, or who would otherwise abscond. The use of immigration detention is always a last resort, but if people refuse to go home, detention becomes a necessity.

Yarl's Wood immigration removal centre has just over 400 bed spaces: about 280 are designated for single females, and about 120 are family bed spaces. The centre has full-time independent social workers and a range of trained experts to monitor welfare 24 hours a day, and it has been praised on numerous occasions for its facilities. In fact, Her Majesty's chief inspector of prisons has recently praised it for the "significant progress" that has been made.

Greg Mulholland: I am very pleased to hear that there have been improvements since the damning report. That news is extremely welcome and hugely important, but this case is about historical failures. It is wonderful that things have improved, but, to echo the comments of my constituency neighbour, the right hon. Member for Leeds, West (John Battle), I must ask, will the Minister please assure me that he will consider the issue in its entirety? The best asylum and immigration system in the world will still get things wrong sometimes.

Mr. Campbell: The hon. Gentleman anticipates my comments to some extent. I am aware of the time scale involved, but I think that it is important to put the issue in context and to address some of his criticisms of the system by saying that lessons have been learned from the inspector's report and that changes have been made. The hon. Gentleman and my right hon. Friend the Member for Leeds, West (John Battle) have put on the record the need to proceed with the matter expeditiously, quickly and properly, and to see it in the round; and, as I keep repeating, there are legal proceedings to address those requirements.

The hon. Gentleman's concerns do not just relate to the use of immigration detention and the facilities at Yarl's Wood, but to the treatment of those people arriving at Yarl's Wood who claim to have been the victim of torture. At Yarl's Wood, there is an on-site dedicated health care centre with a small in-patient facility. I know that Medical Justice raised concerns about Yarl's Wood in 2005, but, as the hon. Gentleman said, UKBA commissioned the chief inspector of prisons to undertake a review of its provision of health care services. The chief inspector made 48 recommendations, of which 38 were accepted, eight were accepted in principle or in part and two were rejected. The health care team that residents can now access is made up of GPs, general nurses, mental health nurses, health visitors, midwives, dentists, counsellors and allied health care professionals and consultants. There are 14 full-time and two part-time nurses at the centre, and a bank of seven can be called upon, if required, in an emergency.

UKBA's policy is clear and consistent with the detention centre rules of 2001, which require that, unless the detainee refuses, they should be given a physical and mental examination by a medical practitioner within 24 hours of their admission to the detention centre. When there are concerns or allegations that the detainees have previously been the victims of torture, health care staff are required to report such cases to the centre manager, and those reports are passed to the office responsible for managing and/or reviewing the individual's detention. In the light of the information in the report, case workers must then review the individual's continued detention and respond to the centre within two working days of receipt of the report. It is important to note that anyone detained under immigration powers can apply for bail at any time. The courts then consider whether detention is appropriate.

The issues that have been raised this evening are serious and complex. I assure the hon. Gentleman that UKBA is dealing with the case in line with its procedures, and that his constituent will be allowed to remain in the United Kingdom to conclude her ongoing litigation.

Question put and agreed to.

6.28 pm

House adjourned.

House of Commons

Monday 20 July 2009

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

Oral Answers to Questions

CULTURE, MEDIA AND SPORT

The Secretary of State was asked—

Digital Radio Switchover

1. **Sir Nicholas Winterton** (Macclesfield) (Con): What his most recent assessment is of progress on digital radio switchover; and if he will make a statement. [287437]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Siôn Simon): The "Digital Britain" White Paper set out the Government's vision for the delivery of the digital radio upgrade by the end of 2015. We have committed to a review of the progress towards that timetable in spring 2010, and we have also asked Ofcom to review and publish progress against the upgrade criteria at least once a year, starting next year.

Sir Nicholas Winterton: Is the Minister not aware that "Digital Britain" has in fact failed to address the inadequacies of digital radio broadcasting coverage? I am sure that he will agree with that comment. Representations made to me so far suggest that the idea of a switchover is currently very unpopular. Instead of rushing ahead with the switchover, will he take positive action to allow people to see some tangible benefits?

Mr. Simon: I am disappointed that the hon. Gentleman thinks that we are rushing ahead. We have said that we will move Britain to digital by 2015. That gives consumers and the industry six years to make the upgrade, which we are doing because we are committed to radio, we believe in radio and we love radio, and radio will not have a future unless it goes digital. We are not switching off FM, and we are putting new services on the FM spectrum that is vacated by the services which move to digital audio broadcasting, because we want to see radio prosper and grow in the digital age.

Mr. Barry Sheerman (Huddersfield) (Lab/Co-op): Is my hon. Friend aware that switchover is affecting valued services on both radio and television? I have been lobbied by Teachers TV, which fears that it will lose an enormous part of its audience because the Department for Children, Schools and Families is stipulating that it must switch over totally to digital.

Mr. Simon: We are ensuring with radio switchover that community organisations and small community radio stations, which might currently be able to broadcast for only two weeks a year, will inherit the FM spectrum currently taken up by big regional and national FM broadcasters. Precisely such small, commercial, local community organisations will be able to flourish in the digital future in a way that they are technologically constrained from doing now.

Adam Price (Carmarthen, East and Dinefwr) (PC): The Minister is a Welsh speaker, so is he aware of the fears for the future of Radio Cymru, the BBC's Welsh language national service? It is not currently available on digital and will not be available in large swathes of western Wales for reasons of topography.

Mr. Simon: I have, with personal regret, to tell the hon. Gentleman that I am not really a Welsh speaker. [HON. MEMBERS: "Ah!"] Dwi'n dysgu, 'de? I should have been a Welsh speaker.

We are alive to the particular problems of Wales. There are serious problems with coverage, not just with respect to Radio Cymru but with digital coverage throughout Wales. We have made it clear that the nations and regions that are furthest behind in digital coverage will be the first priority for the most serious intervention, to ensure that they are not left behind when we move to digital. We have made it clear also that we will not move to digital unless 90 per cent. coverage at the very least is achieved.

Mr. Jeremy Hunt (South-West Surrey) (Con): I start by welcoming you to your post, Mr. Speaker—an elevation that was only marginally more likely than man walking on the moon, which happened 40 years ago today. I offer you my congratulations. I am sure that you will want to join me in offering the congratulations of the whole House to the England cricket team, which won an historic victory today—their first victory over the Australians at Lord's for 75 years. We would also like to congratulate the Minister on taking up his post in the DCMS team.

The Government's own figures state that there are 65 million analogue radios in circulation, and they hope that the cost of digital radios will fall to £20 a set. That means that the cost of upgrading the nation's analogue radio stock will surpass £1 billion. Who will pay that £1 billion? Will it be the Government, or will it be consumers?

Mr. Simon: Mr. Speaker, I should apologise for having forgotten to congratulate you; I thought that we were taking your position for granted by now, but it is my first time speaking under your chairmanship. I offer my very sincere congratulations. I never thought that your elevation was unlikely.

Mr. Edward Vaizey (Wantage) (Con): What about cricket?

Mr. Simon: The hon. Gentleman shouts "cricket" from a sedentary position. I can tell him that the Under-Secretary of State for Culture, Media and Sport, my hon. Friend the Member for Bradford, South (Mr. Sutcliffe), was at the cricket, which almost certainly accounts for the first English victory at Lord's since, I believe, 1934.

In response to what we might call the "Tory sums" of the hon. Member for South-West Surrey (Mr. Hunt)—*[Interruption.]* No, Tory sums. We do not know how many analogue radios are in circulation; it may be 65 million. The first point to make is that those sets will not become redundant. The FM spectrum will be well used for new services that are currently squeezed out. We are working with industry to come up with sets that are consistently priced at £20 or less. That will enable consumers to add to the 9 million digital sets—

Mr. Speaker: Order. May I gently say to the hon. Gentleman, who has been extremely generous in his remarks, that I do not want to have to press the switch-off button, but I am a bit alarmed that he has a second point in mind? It might be better if he kept it for the long winter evenings.

Mr. Hunt: The point is that if people use their analogue sets, they will be able to listen to new radio stations, but not the radio stations that they have been listening to for a very long time. Was it not the height of irresponsibility to announce the phasing out of analogue spectrum without announcing any details or any funding for a help scheme, similar to the one that was in place for TV switchover? Will that not cause widespread concern among millions of radio listeners, who will feel that they are faced with the unenviable choice of either paying up or switching off?

Mr. Simon: I shall try to squeeze in my answer at the end of that extraordinarily long question. We will do exactly the same with radio as we did with television: we will carry out a full cost-benefit analysis of exactly what kind of help scheme might or might not be required, and we will proceed accordingly. There are 9 million digital sets in use already. Consumers have six years to decide how much they want to pay, for what equipment, to receive which services.

Free Theatre Initiative

2. **Dr. Brian Iddon** (Bolton, South-East) (Lab): How many tickets have been distributed through the free theatre initiative. [287438]

The Secretary of State for Culture, Media and Sport (Mr. Ben Bradshaw): Nearly 50,000 free tickets have been issued during the scheme's first quarter, enabling thousands of young people to experience fantastic theatre who otherwise would not have done so.

Dr. Iddon: I congratulate my right hon. Friend on his new appointment, and I look forward to working with him. The Bolton Octagon theatre hopes to give away 4,000 tickets during the lifetime of the scheme. Will he congratulate it on the fact that by the end of the summer break it will have allocated a total of 718 tickets of its 790 ticket allocation, which I think is pretty good?

Mr. Bradshaw: I regret that I will not be working with my hon. Friend for as long as I would like, as I think that he is standing down at the next election, which is very sad. I should certainly like to join him in congratulating the Bolton Octagon. Not only has it had remarkable success with the free ticket scheme, but it has had its most successful year ever in ticket sales. Of course, Sir Ian McKellen began his acting career in Bolton. If the free ticket scheme inspires another actor of his calibre, it will have been money very well spent.

Digital Radio Switchover

3. **Ann Winterton** (Congleton) (Con): If he will continue to provide for analogue radio broadcasting beyond 2015. [287439]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Siôn Simon): The "Digital Britain" White Paper was clear that analogue radio, via FM, will continue beyond 2015. After the digital radio upgrade is completed, the vacated FM spectrum will be allocated to community radio stations and a new tier of ultra-local commercial radio.

Ann Winterton: I congratulate the Minister on his new position, not least because I am a former pupil of Erdington grammar school in his constituency. As he knows, 52 per cent. of listeners have not converted to digital audio broadcasting. Many groups of listeners, including the blind, are concerned that their analogue radios may be turned off in due course. That includes, of course, all those analogue radios in cars. What hope for the future can the Minister give those groups?

Mr. Simon: I am grateful for the hon. Lady's congratulations, and thank her for her adornment of my constituency. To answer her two questions quickly, on help for the blind, there is an important issue to do with audio description for radio stations along the spectrum. We have been working for 18 months—and continue to work—with manufacturers to make sure that sets that provide that description for the blind are made available at an affordable price in the digital future. On cars, we are working with the car industry to ensure that all new cars after 2013 contain digital radios. Technology already exists to convert FM receivers to digital in cars.

Ann Clwyd (Cynon Valley) (Lab): Is it not a fact that the BBC would have more money to improve coverage and content if it spent less public money on excessive salaries and excessive expenses?

Mr. Simon: My right hon. Friend must take that up with Sir Michael Lyons and the BBC Trust. Sir Michael will perhaps be glad of the opportunity to take up those matters, because I am sure that he is conscious that he and the trust need to account to the public for them.

Tourism Industry

4. **Mr. Adrian Sanders** (Torbay) (LD): What steps his Department is taking to support the tourism industry in the south-west. [287440]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Barbara Follett): Mr. Speaker, may I add my congratulations on your elevation? Having served with you on the marathon Minimum Wage Bill, I welcome your conversion to short contributions.

Since April 2008, my Department aside from the marketing and economic development that it regularly contributes to Visit Britain and Visit England, has

made eight separate grants worth over £4.2 million to the south-west region from its Sea Change programme, which supports cultural regeneration and the visitor economy. I am glad to say that the largest beneficiary of those grants was Torbay, which I can confirm was awarded £2.25 million in August 2008 for projects at Cockington Court and Berry Head.

Mr. Sanders: According to a recent parliamentary answer, the number of tourists in the south-west region fell by more than a quarter in the first quarter of this year, so why is that policy not working?

Barbara Follett: The number of tourists in the south-west region did fall in the first quarter of this year for a number of reasons including the credit crunch and the recession. I am glad to say, however, that initial figures show that it is now rising. We can see from benefit returns that the 10 towns with the most benefit claimants returning to work have been in seaside areas, and I am glad to say that six of them are in the south-west, where people are getting more work. The "staycation" and short breaks are providing a good result in the south-west.

Mr. Tobias Ellwood (Bournemouth, East) (Con): One issue affecting the whole country, including the south-west, is the growth of the swine flu pandemic. Hon. Members might recall that, at the time of the foot and mouth outbreak and after the 9/11 attacks, the Treasury granted an additional £20 million, which was match-funded by the industry, to assist UK tourism through those difficult times. I notice that there is nothing on the DCMS or Visit Britain websites about swine flu. May I ask the Minister and, indeed, the Secretary of State what discussions they have had with the Treasury and the Department of Health to ensure that we avoid sensationalist headlines such as that in *The Daily Telegraph* today—"Crowds may be banned from major sporting events"? What plans are there to help the British tourism industry to keep people informed and to tell them that Britain remains a safe place to visit?

Barbara Follett: I thank the hon. Gentleman for that question, but I would caution him against such alarmist talk. I would also caution him against quoting the media, which are sometimes more interested in selling copies of their newspapers than in informing—

Mr. Ellwood: That is exactly the point that I was making.

Barbara Follett: The Under-Secretary of State for Culture, Media and Sport, my hon. Friend the Member for Bradford, South (Mr. Sutcliffe), sits on Cobra, the civil contingencies secretariat, and we are in daily contact. We are constantly updated on the situation. At present, the advice is to stay calm—I urge the hon. Gentleman to do that—not to panic and to take precautions.

Sport (Young People)

5. **Tony Lloyd** (Manchester, Central) (Lab): What steps his Department is taking to encourage participation in sporting activity by young people who have left school. [287441]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): Mr. Speaker, may I add my congratulations to you on your new role? Part of the legacy programme for 2012 will be to ensure that we leave behind a system that encourages those of all ages, particularly children and young people, to play sport. The five-hour offer for children aged five to 16 has been expanded to include three hours a week for those aged 16 to 19. To combat the drop-off on leaving school, and as part of more than £780 million of Government funding between 2008 and 2011, we are investing more than £15 million to create a new network of sports co-ordinators for those who have left school in order to move on to further education. Through our unprecedented investment in national governing bodies, nine sports will now also work specifically to reduce post-16 drop-off by 25 per cent. for 2013.

Tony Lloyd: Among other things, I would like to ask my hon. Friend whether in the context of the question it is better for people to sit on Cobra rather than drink Cobra.

My hon. Friend knows as well as I do that there is an enormous drop-off in sports activity by young people post-school, particularly among young women. Will he work with local authorities and perhaps with private sporting clubs to ensure that his Department's marketing to encourage people into sport is taken up by those groups so that we can see our young people get back into meaningful activity?

Mr. Sutcliffe: It is a pleasure to sit on the Cobra committee, and I also enjoy a pint of Cobra now and again.

My hon. Friend is quite right about the drop-off rate. In trying to get 2 million more people active in sport and physical activities by 2012—a key legacy aim—we are looking at the drop-off rate post-16. I know that in my hon. Friend's area of Manchester and in Salford the local authorities are doing a great deal of work with the local community, in initiatives such as StreetGames and the KICKz project, to encourage people to get involved in sport. I am particularly pleased with Sport Unlimited, which is aimed at 11 to 19-year-olds; that involves 900 young people and £36 million of investment. I hope that that will help to get them into more organised sport.

Mark Pritchard (The Wrekin) (Con): The Minister will know that obesity is a huge and serious problem. If the Minister wants joined-up thinking and joined-up government with the Department of Health, why is his Department allowing the selling-off of four more sports fields and more school land than ever before, which of course prevents young people from having access to sports and addressing that important issue of obesity?

Mr. Sutcliffe: The hon. Gentleman usually gets his facts right, but he is completely wrong on this occasion. It is a complete myth that sports fields are being sold off. This Government have put processes in place to make sure that sports fields are not sold off. In fact, we have had a net increase in the number of sports fields. It is not just about sports fields; it is about indoor sports arenas and ensuring that we have world-class facilities for our youngsters and sports people. The hon. Gentleman is right about obesity, which is why the Government introduced free swimming, which more than 80 per cent. of local authorities took up. I am sorry that some Tory local authorities did not do so.

Ian Stewart (Eccles) (Lab): I have made all my falderals thanking and congratulating you, Mr. Speaker, so I will move straight to the Minister, who visited my constituency

and saw the Hamilton-Davies trust and the Barton Athletic club projects in partnership with Salford city council. Does he agree that the project to encourage young people leaving school to take up non-traditional sports such as boxing, wrestling and martial arts is to be commended? Does he also agree that the 70 and 80-year-olds whom he saw training at Barton Athletic was a great example to others?

Mr. Sutcliffe: It was a great pleasure to visit my hon. Friend's constituency and to meet people at the Barton Athletic sports club. He is right that we saw young people getting involved in a range of different sports, but I was very happy to see a 70-year-old and an 80-year-old rowing and achieving fast times in preparation for entering the world senior games. As we are talking about older people, let me say that it was a great pleasure to see Tom Watson nearly become the British open champion yesterday. I congratulate the winner, but Mr. Watson's performance gave great hope to all those older golfers.

Mr. Don Foster (Bath) (LD): The Minister has rightly said that increases in sports participation are a critical part of the legacy plan for 2012, but does he acknowledge that after a good early start there has been stagnation? Does he accept that the latest figures show that in six out of nine key sports there has been no increase in participation in the past 12 months; that in three of those sports—rugby, football and athletics—there has been a significant fall in participation; and that fewer women and fewer people with limiting disabilities are participating in sport? The Government must do more. Will he acknowledge that there are good ideas out there, such as gift aid for junior membership of sports clubs and the Active Generation programme by the Prince's Trust? What are we to make of newspaper reports of some new scheme to be announced next year?

Mr. Sutcliffe: Let me say again that, although the hon. Gentleman normally gets his facts right, he has unfortunately got them wrong today. He keeps criticising the legacy that we are trying to create, but he will know that involving 2 million more people in sport and physical activity by 2012 has never been achieved by any other host of the Olympic games. There is a fantastic challenge ahead of us, but we are already making progress. As the hon. Gentleman will know, the new funding arrangements for Sport England are enabling the national governing bodies to increase participation: money is going to where sport is. More than £5 billion of lottery and Government funds has been invested since 1997.

I hope that the Opposition will now stop carping. If good ideas are emerging, let us hear them.

Mr. Foster: I have just given the Minister some ideas.

Mr. Sutcliffe: The hon. Gentleman has given me one idea. I look forward to hearing more from him. The legacy will be great, and we will achieve our figures.

Bingo Industry

8. **Mr. David Amess** (Southend, West) (Con): What recent representations he has received on the future of the bingo industry; and if he will make a statement. [287444]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): We have not received any recent representations on the future of the bingo industry, but I am aware that such representations are being made to my right hon. Friend the Chancellor of the Exchequer. We recognise the important social role that bingo plays in many of our communities, and continue to engage with the industry on a range of issues affecting the state of the sector.

Mr. Amess: Sadly, we have not got very far with the Treasury. Many of my constituents have contacted me to say that they are very worried about the future of Southend Mecca, and that they thoroughly enjoy playing the game. One hundred bingo halls have already closed over the past three years because of the 32 per cent. tax. Will the Minister have another word with the Treasury, in order to establish whether it can provide parity for the industry and lower the tax to the rightful level of 15 per cent.?

Mr. Sutcliffe: We continue to have frequent discussions with the Treasury, but the hon. Gentleman will know how much work the DCMS itself has done to support bingo. He will know, for instance, that in February we increased the permitted number of B3 machines in bingo halls from four to eight, and also examined stake and prize levels for category C and D machines.

The hon. Gentleman is wrong about the number of bingo halls that have closed. In fact, between 37 and 40 have closed over the past 12 months, which represents 6 per cent. of the industry, but that is still too many clubs. We are aware of the important part that bingo plays in our communities, and we will continue to work with the industry and the Treasury to try to alleviate its problems.

Mr. David Drew (Stroud) (Lab/Co-op): I hear what my hon. Friend says, but surely there is a need to lobby the Treasury to ensure that there is some consistency in the tax rates. If ever there was a need for a taskforce to work on saving one of our great British institutions, this is it. Would my hon. Friend consider leading such a taskforce?

Mr. Sutcliffe: I am always happy to be involved with a taskforce, but given my hon. Friend's reputation for becoming involved in key issues, he might want to chair this one. He will know that the Prime Minister has been involved in the discussions about bingo. He met a deputation from the Bingo Association, along with my hon. Friend the Member for Barnsley, Central (Mr. Illsley), to consider the issues in greater detail. We continue to work with the Treasury and others to ensure that we add to the work that we have already done to support bingo.

Simon Hughes (North Southwark and Bermondsey) (LD): When I next speak to those at the very successful bingo club at the Elephant and Castle, or the very successful bingo club in Surrey Quays, will I be able to tell them that the Minister's Department will look again at the taxation of bingo, and lobby the Government, as soon as we know the court decision on participation valued added tax? That will give the Government another

opportunity. The Department lost the last battle, but can the Minister assure us that it is determined to win the war?

Mr. Sutcliffe: The hon. Gentleman has made a good point. We await the outcome of the court case, but we continue to work with the Treasury. For example, we are discussing the current consultation on gross profits tax relating to gaming machines. As the sponsoring Department, we are working closely with the industry in the sector to try to ensure that its case is heard wherever necessary.

Digital Television Switchover

9. **Mr. Russell Brown** (Dumfries and Galloway) (Lab): What lessons learned from digital switchover in the Border TV region will be used in planning for switchover in other regions. [287445]

The Secretary of State for Culture, Media and Sport (Mr. Ben Bradshaw): Switchover has been successfully completed in the Selkirk and Douglas transmitter group areas of the Border region, with the Caldbeck group area due to complete on Wednesday. A number of findings resulting from research carried out during the switchover have been used to refine switchover further for the next regions to switch.

Mr. Brown: As my right hon. Friend has said, in two days switchover will be completed in the Border TV region. I sincerely hope that my good lady wife will ensure that everything is in order when that happens in my absence. I believe that the digital switchover help scheme initially caused concern. Has the uptake that we budgeted for been as great as my right hon. Friend expected?

Mr. Bradshaw: It has not been as great as we expected; there is a considerable underspend. We do not think that, by and large, that is because the scheme is too complicated, but issues raised in my hon. Friend's area have been looked at, and the new advice and videos that are being provided are intended to make it less complicated. The main reason for the underspend is that most people have simply done it for themselves, perhaps helped by friends or family. The help scheme has been a great success, and has been valued by those who have used it. Nevertheless, there are always lessons to be learned, and we hope that we are learning them from the switchover in my hon. Friend's area.

Pub Industry

10. **Mr. David Heathcoat-Amory** (Wells) (Con): What recent representations he has received from the public house industry on the future of that industry; and if he will make a statement. [287446]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): The Department has regular dialogue with representatives of the pub industry and other areas of the tourism and hospitality industry. That is essential to ensure that licensing policy reduces unnecessary burdens on small businesses while maintaining the necessary public protection.

Mr. Heathcoat-Amory: That is all very interesting, but is the Minister aware that although responsible publicans—I am thinking particularly about such a group in the city of Wells—are doing what they can to counter irresponsible and antisocial drinking, when big retail chains sell loss-leading and discounted alcohol the pubs are blamed for the consequences? What is the Minister doing to counter that? What discussions has he had with the drinks trade to stop that particular unfairness, which is undermining responsible publicans?

Mr. Sutcliffe: The right hon. Gentleman raises an important point. He is right that responsible publicans ensure that they do not serve people who have had too much alcohol. Sometimes that causes problems outside their premises. We are working with the drinks industry. We responded to the all-party group on beer, members of which are present in the House today, in trying to look at the issues around pricing, and at a mandatory code to ensure that people do not have irresponsible promotions. Many such promotions are seen on the high street—for example, women can drink for free, or for £5 people can drink as much as they can. They are irresponsible promotions. Like him, I congratulate those publicans who act responsibly.

Mr. Lindsay Hoyle (Chorley) (Lab): My hon. Friend is aware that the pub is part of the community. It is an important part of that fabric, but has he thought about the number of pubs that are empty? Has he considered the challenge of alcohol-free pubs as an alternative for young people? They would be a way of controlling young people, and of giving them a new way of life and an outlet.

Mr. Sutcliffe: My hon. Friend raises a good idea that has already been acted on in a number of areas. Buildings are being taken over and alcohol-free pubs are in place. I do not want people to run away with the idea that we think that that is a substitute for good community pubs. We want to see good, strong community pubs, and with empty pubs that may be a good idea to develop.

Museums

11. **James Duddridge** (Rochford and Southend, East) (Con): What assessment has been made of the effect of his Department's renaissance programme on regional museums in (a) England and (b) the east of England. [287447]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Barbara Follett): My Department has invested £242 million in the renaissance in the regions programme, which aims to raise standards and participation in museums across England. Since its inception in 2002, visitor numbers have increased by 18.5 per cent. In the east of England, visits by children aged 16 and under to hub museums have increased by 216 per cent. In addition 72 new jobs have been created in hub museums in the eastern region.

James Duddridge: I thank the Minister for that reply. Perhaps it shows my ignorance but I do not know what a hub museum is. The museums in Southend are very good, but residents and children in particular from Southend often travel to London to visit some of the

larger museums. What more can be done through the renaissance programme to encourage visits to regional museums, particularly by people from the east of England and other regions that are quite close to central London?

Barbara Follett: I know that the Department's statutory body, the Museums, Libraries and Archives Council, has been working with Southend to increase its offer. I know that the council has many exciting projects, particularly concerning the Saxon King museum, and that a bid has been submitted for the Southend pier head project. As Minister for the East of England, I am obviously watching all those things closely and I am happy to help the hon. Gentleman with that work.

David Taylor (North-West Leicestershire) (Lab/Co-op): Snibston discovery park is a regional museum based on the former colliery of that name, sunk by the great George Stephenson. Would the Minister accept an invitation to come and look at the work that is done there? Creativity, energy and professionalism has enabled the museum to reinvent itself in the most impressive fashion. It is a successful museum for an area much wider than north-west Leicestershire. We could do worse than to have that as a beacon for the way ahead.

Barbara Follett: I would be delighted to accept my hon. Friend's invitation.

Mr. Edward Vaizey (Wantage) (Con): As this is my first appearance under your watchful eye, Mr. Speaker, may I add to the legion of congratulations that have been sent your way and put on record my huge admiration for the job you are doing? [HON. MEMBERS: "More!"] I still have three minutes, and I could go on.

On Wednesday, the Minister will publish her independent review of renaissance in the regions, which she will describe as a real success. The report itself is, however, highly critical of the management of renaissance in the regions, including the criticisms of incomplete accounts, a lack of financial reporting and a lack of documentation. Is this why the report, which was given to the Minister at the beginning of March, is being published only at the end of July—the beginning of the summer recess?

Barbara Follett: The report is, in fact, being published in two days' time. *[Interruption.]* Yes, but that is not the end of July. It is being published on 22 July, and until it comes out I shall not comment on it.

Broadcasting Bill

12. **Derek Wyatt** (Sittingbourne and Sheppey) (Lab): What plans he has for pre-legislative scrutiny of the broadcasting Bill. [287448]

The Secretary of State for Culture, Media and Sport (Mr. Ben Bradshaw): The digital economy Bill is not one of those in the draft programme proposed for pre-legislative scrutiny. Many of its proposals were contained in the interim "Digital Britain" document that we published in January. They have been the subject of reports by Select Committees in both Houses, and we are currently consulting on the proposals made in the final report last month.

Derek Wyatt: I thank the Secretary of State for that answer, and I welcome him to his new position. I am sorry that that Bill will not be in the pre-legislative programme, because if it were there would have been something for us to do in October and November before the Queen's Speech. May I take it as read, however, that it will definitely be in the Queen's Speech?

Mr. Bradshaw: My hon. Friend will, of course, understand that we cannot at this stage say what will definitely be in the Queen's Speech—we cannot do so until Her Majesty stands up and delivers her Gracious Speech—but given that it is in the draft programme and it has been heralded by the Government as one of the mainstays of our active industrial strategy, I think he can be fairly confident that it has good prospects of being there.

Miss Anne McIntosh (Vale of York) (Con): Given the possibility that such a Bill might be in the legislative programme, will the Secretary of State confirm that it will cover access to foreign language stations after the digital switchover for radio coverage?

Mr. Bradshaw: I am afraid that I will have to write to the hon. Lady about that, if she will allow me.

Video Games

13. **Keith Vaz** (Leicester, East) (Lab): What recent discussions he has had with pan-European game information on the age classification of video games. [287449]

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Siôn Simon): I have spoken to the Video Standards Council—the current UK agents for the PEGI system—about the classification of video games and have another meeting scheduled with it very soon. I have also had discussions with the British Board of Film Classification. Both organisations are working hard to ensure the success of the new system.

Keith Vaz: I thank the Minister for his answer and welcome the steps that the Government are taking on this issue. However, it is still a matter of concern that a game such as "RapeLay", which shows extreme violence against women, can be downloaded from the internet. What steps are the Government taking to ensure that such games are not accessed from the internet, so that children and young people are properly protected?

Mr. Simon: We should be clear that the game was not classified, but was briefly available on Amazon and then was banned. The point that my right hon. Friend is making is about games that, like other brutal, unpleasant, illegal content, can be available on the internet. All steps that apply to any other content on the internet will apply to games. Specifically, as part of the Byron review we set up the UK Council for Child Internet Safety to work with content providers, internet service providers and all aspects of Government to make sure that such content cannot be accessed, particularly by children.

Mr. Mark Field (Cities of London and Westminster) (Con): The Minister will know that Britain is a great leader in video and computer games, and while I take on board many of the concerns expressed by the right hon. Member for Leicester, East (Keith Vaz), will the Minister recognise that this is a global industry, not simply a European one, and in so far as we are going to

have the safeguards to which the right hon. Gentleman refers, we will clearly also need to have global regulation along those lines?

Mr. Simon: The system of regulation for which we have opted—the PEGI system—is pan-European, and as such, we see it as the building block to moving towards a global regulatory future. The key principle is that the markings on games should make it clear to parents which games are suitable for adults and which are suitable and unsuitable for children and young children. Adults should be allowed to access adult content; children most certainly should not.

Topical Questions

T1. [287456] **Sandra Gidley** (Romsey) (LD): If he will make a statement on his departmental responsibilities.

The Secretary of State for Culture, Media and Sport (Mr. Ben Bradshaw): We are responsible for a number of important areas. We are announcing excellent results for our free swimming and free theatre tickets initiatives this week. I wish to add to the earlier congratulations to Andrew Strauss and his team on their superb result at Lord's. In doing so, we should not forget the achievement of our women's cricket team, who have won every international competition this year. We believe that they have made themselves the most successful English sporting team in a single year in history.

Sandra Gidley: The Secretary of State makes a good point about the influence of sport, but does he think it is right that sporting events should advertise alcohol? Does he not think it is time to bring an end to that?

Mr. Bradshaw: The hon. Lady will know that we are considering that at the moment. There will always be a balance to be struck between the sort of messages that advertising sends out about healthy living and its health impact—those issues will concern people a great deal—and the importance of sporting events and sport generally being properly funded. That applies to many of the funds that go to sports at grass-roots level.

T3. [287458] **Hugh Bayley** (City of York) (Lab): Local newspapers make politicians and public officials more accountable, but sadly, many titles have ceased printing because of a fall in advertising revenue and a migration of advertising to the internet. On 20 January, in Westminster Hall, I proposed cross-subsidising local papers with the internet revenue. In its early days Channel 4 was cross-subsidised with ITV advertising revenue, without that undermining Channel 4's editorial freedom. Will my right hon. Friend examine the possibility of applying the same principle to local newspapers being cross-subsidised by internet advertising revenue?

Mr. Bradshaw *rose—*

Mr. Speaker: Order. Before the Secretary of State replies, may I say to the House that there is a tendency now for topical questions to be more like discursive essays? What we are seeking is a pithy question and a pithy answer.

Mr. Bradshaw: I certainly share my hon. Friend's concern about the fate of local newspapers, as I believe we all do in this House. Those papers are the lifeblood of our local democracy, they hold local authorities and other bodies to account and they are a very important part of our democracy. If he has studied the recommendations in our "Digital Britain" White Paper, he will have seen a number of proposals that will help, including the establishment of independent news consortiums to help provide local and regional news. Such an approach could include ownership or part-ownership by existing or new newspaper organisations. We are examining a number of areas in order to help local newspapers, because we agree that they are vital.

T2. [287457] **Mr. Anthony Steen** (Totnes) (Con): Does the Secretary of State agree that if the entire population of Exeter were kidnapped, that would make a huge news story, yet approximately the same number of people are trafficked every year in and around Europe, be it for debt bondage or as sex slaves? Will he put his name to a suggestion that the media launch a new initiative—a new crusade—to draw attention to this worldwide evil?

Mr. Bradshaw: I hope that the hon. Gentleman will forgive me for saying that it is not my job to tell media organisations what they should investigate and what they should do. However, may I pay tribute to the excellent work that he has done in this House to highlight the problem of human trafficking? I am very sorry that he will not be here in the future to continue doing that. Perhaps now that he, sadly, has more time on his hands, he will be able to spend some of it persuading media organisations to do exactly what he has just advocated.

Andrew Mackinlay (Thurrock) (Lab): I want to ask the Minister what the news is following my intervention last Thursday with the education and skills people about the co-location of the Royal Opera House and National Skills Academy for Creative and Cultural Skills project in Thurrock. She will have noticed that I accused the Government of not being involved in joined-up government and of being confused and dysfunctional. To ask a pithy question: can we have the money to get this site under way this summer—yes or no?

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Barbara Follett): To give a pithy answer, I am doing my utmost to get my hon. Friend the money. I am nagging, pushing and writing to the relevant Minister. I am doing everything I can to get the money, because I, too, have an interest in this.

T4. [287459] **Mr. Peter Bone** (Wellingborough) (Con): In 1934 there was a Labour Government in deep trouble in the midst of an economic recession. The only bright spot that year was the England cricket team beating the Australians at Lord's. The following year, Labour was turfed out and a Conservative Government were elected, who led the country out of recession. Does the Minister agree that it is great news that history is repeating itself?

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Gerry Sutcliffe): It is great news that the England cricket team won a test match at Lord's against Australia for the first time since 1934,

and it is also great that the England women's cricket team have won everything in their path. Another thing that has happened that has never happened before is the biggest investment there has ever been in sport, made by this Government. I hope that we will have more success, built on the success that we had at the Olympics and Paralympics in Beijing last year—and the hon. Gentleman should not count his chickens.

T9. [287464] **Jessica Morden** (Newport, East) (Lab): With Cardiff's successful hosting of the Ashes and the Ryder cup coming to Newport next year, does the Minister agree that we should take full advantage of the growing levels of expertise in Wales in hosting major sporting events, so that we can have more in the future?

Mr. Sutcliffe: My hon. Friend is right. Not only did we have a successful test match in Glamorgan, but the school games will take place later this year, and the Ryder cup will be in Wales next year. In Wales, and all over the UK, expertise is being built up in sporting events, and I congratulate all involved in Wales on hosting some tremendous events.

T6. [287461] **Ann Winterton** (Congleton) (Con): The British amusement industry believes that the Government should abandon their proposed gross profits tax as a further unnecessary administrative burden, and instead work with the industry to deliver efficiencies to benefit both Government and business. Will the Minister work with the industry to benefit not just the industry but the Treasury and the public, not least in the seaside arcade sector?

Mr. Sutcliffe: We have supported the seaside arcades. As the hon. Lady will know, we had a review of the category C and D machines and we have also considered category B. The gross profits tax is part of the overall issue, but we will continue to talk to the Treasury. We work with the industry on a regular basis and we have alleviated many of the problems of seaside arcades, although there is a lot more to be done.

Clive Efford (Eltham) (Lab): Does my hon. Friend agree that on a day when we have won the first Ashes test match at Lord's since 1934, it is a shame that it was shown only on a fee-paying channel, not a terrestrial channel where more people would have seen it and perhaps been encouraged to participate in the sport in the future?

Mr. Sutcliffe: That is why the Government have instituted a review, chaired by David Davies. We hope that his panel will respond by September. I agree with my hon. Friend that it is sad when people can only see edited highlights on Channel 5, and sometimes not even those. We have to strike a balance between money going into the game and the opportunity for a wider audience to see such significant events.

T7. [287462] **Dr. Evan Harris** (Oxford, West and Abingdon) (LD): Is the Secretary of State aware of concerns in the creative industries that the way in which English libel laws operate, or at least London's reputation as the libel capital of the world, is suppressing freedom of expression and creative freedom? Will he agree to meet a cross-party delegation with leading members from the creative industries in the next few months to discuss their concerns?

Mr. Bradshaw: I am sure that my hon. Friend or I would be happy to meet the hon. Gentleman and a delegation, but he will be aware that this is primarily a matter for the Ministry of Justice. We are certainly aware of the concerns that he expresses: I understand that they will all be covered in a forthcoming consultation document that the Secretary of State for Justice will launch in the near future.

Mr. Graham Allen (Nottingham, North) (Lab): Can anybody on the Front Bench explain why the Government abolished the regional sports boards?

Mr. Sutcliffe: Yes: it was a decision to try to cut the bureaucracy within Sport England and to put the money directly into sports governing bodies, which we have done. We are working with county sports partnerships and local government. The regional sports bodies did well, but were not operating effectively and efficiently enough. That is why we made the change.

T8. [287463] **Mr. David Evennett** (Bexleyheath and Crayford) (Con): My constituents are very concerned about the very high salaries paid to some at the BBC. Does the Secretary of State share those concerns?

Mr. Bradshaw: Those must be a matter for the BBC. It has plenty of senior managers who are well paid enough to make such decisions and account for them, without it being necessary for me to micro-manage salary levels for staff. I have always made it clear, including to the BBC, that we live in an age of transparency and accountability. We in this place have been through a painful process of moving towards that, which I welcome. In the long run it will do this place a great deal of good. I am not aware of any institution or organisation that has not benefited by being more open.

Mr. Jim Devine (Livingston) (Lab): Ronaldo sold for £80 million, Manchester City effectively owned by a country and offering John Terry wages of £250,000 a week, and an English manager saying that every player in Scotland is available at a price: is it not time we had an investigation into the running and funding of British football?

Mr. Sutcliffe: My hon. Friend will know that is exactly why we wrote to the premier league, the Football League and the Football Association with a number of questions about the sustainability of football, together with issues around home-grown players. It is right for the Government to express the concern of ordinary fans and our communities about what is happening in football. The premier league is the best in the world and we want it to remain so, but we need transparency and sustainability. I shall be writing to the football authorities in the next few weeks to try to help move this thing forward, because there is great concern about the sustainability and viability of many football clubs.

T10. [287465] **Mr. Andrew Mackay** (Bracknell) (Con): Following the earlier unsatisfactory exchange, will the Secretary of State now assure the House that the

Government are taking the threat of swine flu to the British tourism industry this year seriously? Will he tell us what representations he has been making to the industry?

Mr. Bradshaw: Those conversations go on all the time. I urge Opposition Front Benchers not immediately to see parallels with foot and mouth, which involved a completely different set of circumstances. At the time, mistakes were made; too much of the countryside was closed down for the wrong reasons—partly because we were under pressure from the agricultural industry not to let people walk over land. In all the reviews of foot and mouth it has been acknowledged that that was a mistake At this stage, there is no suggestion that the swine flu epidemic need impact at all on tourism or on the sort of gatherings that my Department sponsors—sporting or cultural, or festivals. I was at two festivals over the weekend—[Hon. Members: "Which ones?"] Latitude and the wonderful Tolpuddle Martyrs festival. People should carry on leading their lives as normal.

OLYMPICS

The Minister for the Olympics was asked—

Budget

1. **Ann Winterton** (Congleton) (Con): What recent changes have been made to the overall budget for the London 2012 Olympics. [287466]

The Minister for the Olympics (Tessa Jowell): The £9.325 billion funding package that I announced to the House in March 2007 remains the budget for the Olympics. The project remains on budget and on time, and as part of my commitment to budget transparency, I have since May 2009 been publishing updates on a quarterly basis. The latest quarterly update was published earlier today.

Ann Winterton: Bearing in mind the United Kingdom's present economic difficulties, is the Minister confident that sufficient funds will be forthcoming from the private sector for the 2012 games, and that the contingency fund will prove sufficient to fill the potential funding gap?

Tessa Jowell: Yes, I am. That is an important question, so it is worth placing it on record that 65 per cent. of the contingency remains unspent. We are confident that it is sufficient to complete construction and the other commitments made in the budget. In relation to the hon. Lady's questions about the private sector, she will know—because I have reported to the House—that contingency funding was used to make good the shortfall in private sector contributions both to the press and broadcast centre and to investment in the Olympic village—an investment that will yield about 2,800 homes. The private sector contribution to the staging cost of the games through the organising committee remains well on target, at more than £500 million.

Janet Anderson (Rossendale and Darwen) (Lab): May I add my congratulations to you on your election, Mr. Speaker? I urge my right hon. Friend the Minister to take particular note of a gifted young tenor who sings "Jerusalem" at the Ashes. His name is Sean Ruane and he comes from Rossendale in my constituency. May I also urge my right hon. Friend to give serious consideration to whether he might have a musical role in the 2012 Olympics?

Tessa Jowell: I thank my hon. Friend. I am sure that Sean's talents, now recorded in *Hansard*, will go from strength to strength. I draw her attention to the consultation that is taking place around the country about the content of the opening ceremony, which I hope will be many things, but in no small part a showcase for great young British talent.

Tom Brake (Carshalton and Wallington) (LD): What recent changes have been made to the budget to support the ambitious new programme that, according to *The Independent on Sunday*, the Government are apparently launching to support grass-roots sport? How much sooner does the Minister think the Government will reach the target of getting 1 million more people into sport as a result of the campaign?

Tessa Jowell: The budget to which I have just referred is almost entirely for construction, security and non-sport, non-participation activity. The costs to which the hon. Gentleman referred are being met in a variety of ways: the investment in school sport, community sports clubs and the reconstruction of facilities, and the £100 million a year that the Big Lottery Fund is spending on sport. That all means that whereas in 1997, when this Government came to power, Exchequer investment in sport was £50 million, that figure is now £400 million, so the campaign to get 1 million more people taking part in sport on top of the participation by young people at school is being funded by a steady increase in investment.

Several hon. Members *rose—*

Mr. Speaker: Order. I would like to get through a few more questions and answers, and if we show some self-discipline, we will do just that.

Clive Efford (Eltham) (Lab): Does my right hon. Friend agree that one way in which we will measure the success of the Olympics is by participation in sport beyond 2012? Does she recognise the important and value-for-money role that can be played by non-for-profit voluntary organisations in delivering that and encouraging participation in sport as we approach the Olympics?

Tessa Jowell: My hon. Friend is absolutely right, and frequently makes that point. The thousands of sports clubs throughout the country are the backbone of participation, and their contribution will enable us to achieve the target of getting 1 million more people active in sport.

Hugh Robertson (Faversham and Mid-Kent) (Con): A key element in containing the overall budget is the use of the stadium in legacy mode. I think that everybody would agree that Manchester showed the way after the Commonwealth games. In her initial public pronouncements Baroness Ford, the new chairman of the legacy company, has indicated her desire to re-examine the issue of a football use, and both the Rugby Football

Union and the Rugby Football League are keen to use the stadium to support their bids. Given that the last four European cup finals have been played in dual-use stadiums, is the right hon. Lady prepared to re-examine her opposition to such a move?

Tessa Jowell: The hon. Gentleman knows that I have discussed this with Baroness Ford. We have not yet won the right to host the World cup in 2018. Clearly, if our excellent bid is successful, there will of course be a case for re-examination, but this is not cost-free, and the House should understand that plans will proceed to make sure that we honour our commitment to the International Olympic Committee and to athletes across the country in the bid book, that we will have, as a legacy for the games, a 20,000-seater, grand prix-capable athletics stadium. We are making good progress in building the legacy. Tenants include a school, the English Institute of Sport and the National Skills Academy. Baroness Ford is eager to squeeze every last benefit of legacy from every single venue, and I support her in that, but I want certainty and planning for the legacy of the stadium.

Costs

2. **Sir Nicholas Winterton** (Macclesfield) (Con): What her most recent estimate is of the cost of staging the London 2012 Olympic and Paralympic games. [287467]

The Minister for the Cabinet Office and for the Olympics, and Paymaster General (Tessa Jowell): I shall answer speedily, Mr. Speaker. The cost of staging the games will primarily be met from the £2 billion budget of the London Organising Committee of the Olympic Games and Paralympic Games, which was raised principally from the private sector. The costs of additional wider security and policing, and a £66 million public sector contribution towards the Paralympic games, are contained in the £9.3 billion public sector funding package.

As would be expected with a major national event of this kind, there will also be other attributable costs to the public purse, and they will be funded from within departmental expenditure limits.

Sir Nicholas Winterton: Sport transcends politics. Every party in the House wants the 2012 Olympic games to be an outstanding success for the benefit of our great country. Can the Minister give any further details about which operations may be scaled back if there is a shortfall in sponsorship and revenue from the private sector? That is important: we want a success, but we also want the facts.

Tessa Jowell: The hon. Gentleman is right that the Olympic games are being planned and delivered on a cross-party basis as far as humanly possible. The second point, however, is that as the development of the park has proceeded, decisions have been taken to put in further public sector investment where private sector financing has not been forthcoming. In staging the event, the organising committee will take full account of the likelihood of meeting its budget, which it expects to do. It is also worth the House recording that the committee is already substantially ahead of its private sponsorship-raising activities, so we have cause for confidence on that point.

Paralympic Games

4. **Mr. David S. Borrow** (South Ribble) (Lab): What steps she is taking to ensure the success of the London 2012 Paralympics. [287469]

The Minister for the Olympics (Tessa Jowell): We are determined to ensure that there is full equivalence between the Paralympics and the summer games and that the Paralympics are fully integrated into the organising committee's plans, with a cross-Government Paralympic legacy plan, which will identify how we are going to use the power of the Paralympics to increase opportunities for disabled people more widely.

Mr. Borrow: A couple of weeks ago I attended a leavers assembly at Ashbridge school in my constituency, at which a presentation was made by Shelly Woods from Blackpool. Shelly won a silver medal and a bronze medal at the Beijing Paralympics and made a truly inspirational presentation. What opportunities will exist to celebrate the Paralympics, as well as the Olympics, in the forthcoming open weekend?

Tessa Jowell: I thank my hon. Friend and join him in congratulating Shelly on her contribution. The forthcoming open weekend, which will mark three years to go until the opening of the London 2012 Olympic and Paralympic games, will be marked across the country. Some 750 events are already registered, and I encourage hon. Members from all parts of the House to take part. In the north-west, my hon. Friend can go to one of many events, which include the academy cup at Greenbank sports academy and many others besides. The open weekend will be a great moment to celebrate achievements so far, and Olympic and Paralympic sports will both feature.

Mike Penning (Hemel Hempstead) (Con): This weekend a great Olympian became the world boxing champion. Amir Khan is a great role model for young people in this country, yet small boxing clubs where people like him will come from in future are struggling. I wonder whether the Minister or the sports Minister, the Under-Secretary of State for Culture, Media and Sport, the hon. Member for Bradford, South (Mr. Sutcliffe), would like to visit a new boxing club in my constituency and see not only the great young people coming forward, but the financial problems that they face.

Tessa Jowell: I am sure that the House will want to congratulate Amir Khan. The hon. Gentleman is absolutely right about his dedication to providing leadership to young men—and, indeed, young women—right across the country as they take up boxing. As my hon. Friend the sports Minister has pointed out, investment is going into boxing clubs because of Amir Khan's advocacy and the evident benefits to young people.

Mr. Gregory Campbell (East Londonderry) (DUP): What progress is being made on the recruitment of thousands of volunteers from right across the United Kingdom to ensure that the Paralympics and the Olympics in 2012 are the outstanding success that we all want them to be?

Tessa Jowell: The plans for volunteer recruitment will be announced next year and recruitment will start shortly thereafter. However, the scale of public enthusiasm for the forthcoming Olympics can be measured by the fact that although some 70,000 volunteers will be recruited by the organising committee, more than 250,000 people have already registered their interest. We in Government are absolutely determined to ensure that all volunteers who offer themselves for the games have an opportunity to get involved in their community in one way or another.

Swine Flu Update

3.34 pm

The Secretary of State for Health (Andy Burnham): With permission, Mr. Speaker, I would like to make a statement on the AH1N1 swine flu pandemic. I wish to do three things today: to update the House on the spread of the virus, to provide additional details about the launch of the national pandemic flu service, and to set out how Members in all parts of the House will be kept informed during the summer recess.

In recent weeks, we have discovered a great deal more about the swine flu virus. While it has spread quickly, the virus has not become more dangerous. For the vast majority, swine flu remains a mild and self-limiting illness—and let me be clear: our advice to the public about dealing with it has not changed. However, as the number of cases rises, it is understandable that people are becoming more concerned, and all organisations have a role to play in providing reassuring, consistent and clear advice.

First, I wish to deal directly with advice to pregnant women, which, again, has not changed since the outbreak began. The chief medical officer says that most pregnant women with swine flu will get only mild symptoms, but pregnancy brings a higher risk of complications. Bearing these risks in mind, at present mothers-to-be are advised to continue normal activities such as going to work, travelling on public transport, and attending events and family gatherings. However, they are advised to take the following steps to reduce their risk of infection and complications: first, to observe good hand hygiene, with frequent use of soap and water; secondly, wherever possible, to avoid contact with someone who is known or suspected to have swine flu; and thirdly, if they have flu-like symptoms, to make early contact with a general practitioner, who may advise treatment with antiviral drugs. If in doubt, pregnant women should seek advice, and if they think they have symptoms, they need to contact their GP as soon as possible for antiviral treatment. The chief medical officer will be reissuing this advice later today.

I also understand that families with small children have concerns. The key characteristic of swine flu is fever. The first thing that parents should do is check whether their child has a temperature at or over 38° C. They should then contact the national pandemic flu service, once it has launched, or their GP, if their child has a high temperature and any one of the following symptoms: tiredness, headache, sore throat, shortness of breath, loss of appetite, vomiting and diarrhoea, aching muscles, or limb and joint pain.

Since my last statement to the House, the daily reported figures from the Health Protection Agency have been replaced by weekly estimates based on the numbers reporting flu-like illness to their GPs. The latest figures published on Thursday show how the number of cases has grown, with 55,000 new cases of swine flu reported last week alone. There were 652 people in hospital, 53 of whom were in critical care. There had been 26 deaths in England.

The figures also confirm that the virus has now taken hold around the country, rather than in isolated pockets, and show how quickly this has happened. On 8 July, just six primary care trusts reported exceptional levels of flu-like illness. By 15 July, this had increased to 110 PCTs—hence our immediate decision last week to activate the national pandemic flu service. The latest figures show that nine out of 10 NHS regions are now showing exceptional levels of flu-like illness, based on GP consultations.

GPs are on the front line in this pandemic. They are coping admirably with the increased work load, and I am sure that the House will want to extend its thanks to them, to their staff and to everybody working so hard throughout the health service, the Health Protection Agency and the Department of Health. All professionals deserve our full support, and the best way to do this is to find new ways to relieve pressure on the front line.

The technology to launch the national pandemic flu service has been available for some time, but given the latest HPA figures, and drawing on advice from the field, we have now reached a point where the service is required. I can therefore confirm that the service will go live in England by the end of this week, subject to testing. It will be accompanied by a major public information campaign. After the launch, people will no longer need to ring their GP: they can either answer questions online via the new website or ring the call centre service, where trained staff will be able to assess them over the phone. If swine flu is confirmed, they will then get an authorisation number, which their flu friend can use to pick up antivirals from local antiviral collection points. I will ensure that all Members receive information on the location and number of collection points in their area before the launch of the service later this week.

In Scotland, Wales and Northern Ireland, the situation is different. We have not seen the same rate of spread, and, as a result, the service will not be in operation in those countries this week, but they may choose to opt in at a later date. People in those regions should, therefore, continue checking their symptoms on the NHS website, or via the swine flu information line, and then call their GP for diagnosis over the phone.

The Government must be as open as possible about the potential scale of the threat, so that organisations in the public and private sectors can plan effectively. Last week's planning assumptions set out reasonable "worst case scenarios" for them to plan against. We published a range of figures covering the numbers who could get swine flu; experience complications, and be hospitalised or die. The assumptions also cover the number who could be absent from work because they or their family get swine flu.

Let me stress again that those are worst case scenarios, not predictions—and we need the media to play their part in reporting them as such. For the NHS, the assumptions mean that it can now step up its preparations to cope with a sudden surge in swine flu cases, and it already has detailed plans in place. Similarly, infrastructure providers and other essential operators, such as food suppliers and electricity, gas and water companies, already have continuity plans to maintain services. However, organisations of all kinds should now establish plans to reduce the threat that swine flu poses to the economy.

The Government have published guidance documents on continuity planning, and we have also set up a new business advisory network for flu to provide a single source of information and advice. Full details are available on the business link website—www.businesslink.gov.uk.

Let me now update the House on vaccines. The Department of Health has already signed contracts with two manufacturers to supply enough vaccine for the whole population. According to their delivery schedules, we should begin receiving supplies from August, with enough becoming available for at least 30 million people by the end of the year. Clearly, we want the vaccine to be available as soon as possible, but we cannot compromise on safety. We will take all necessary steps to ensure that the vaccine is appropriately tested.

We are also now planning the vaccination programme so that we can start administering vaccines to priority groups, including NHS and social care staff, as soon as we get the green light to proceed. We will continue to take the best independent scientific advice on all questions about vaccination.

Finally, I recognise that hon. Members must be updated during the parliamentary recess. I have therefore asked strategic health authorities to provide weekly briefings for MPs coinciding with the HPA's national updates. They will cover local information on the number of diagnosed and confirmed cases and hospitalisations, as well as updates on antiviral collection points, local information on any clusters or other specific developments, and a hotline number for hon. Members to use to contact their local strategic health authority.

In addition, the civil contingencies committee will meet weekly, and Ministers and officials will be in close contact throughout the summer months to respond to emerging issues. This evening, there will be a briefing session open to all Members with the chief medical officer.

I am also grateful to the hon. Members for South Cambridgeshire (Mr. Lansley) and for North Norfolk (Norman Lamb) for the constructive conversations that we have had. I will of course keep Conservative and Liberal Democrat Front Benchers updated over the summer, and we will continue regular discussions with Health Ministers in Scotland, Wales and Northern Ireland to ensure a consistent UK-wide response.

In conclusion, concern has risen and there is increasing pressure on services, but there is no change to the advice or to Government plans. It is because we have planned carefully for this eventuality that we have large quantities of antivirals, a national pandemic flu service about to launch, and a vaccine on the way. That constitutes a solid base on which to deal with future challenges. I commend the statement to the House.

Mr. Andrew Lansley (South Cambridgeshire) (Con): The House will be grateful to the Secretary of State for his further update on the flu pandemic response. I am sure that hon. Members also wish to offer our condolences to the families of those who have died as a result of contracting the H1N1 virus. Again, I join the Secretary of State in expressing our gratitude to all the NHS staff, particularly in primary care, for their response to the growing pressures arising from the virus.

The House will know that we supported the containment strategy and the shift to a treatment-only policy. In time, it will be important to understand how effective the containment strategy was in practice. There is some evidence to suggest that a significant number of people who might have been given antiviral treatment while the containment strategy was being pursued, or given prophylactic access to antiviral drugs, did not in fact receive it. Will the Secretary of State agree to a review of that in due course, although obviously not at this stage?

It is clear that there is still a considerable degree of confusion about what people should and should not do about this flu. Publishing planning assumptions and preparing for the worst is one thing, but we really do need the Government more effectively to explain that, up to now, we are not experiencing the worst-case scenario, and that we can therefore take a "business as usual" approach, except for those who have symptoms or contract this influenza. Can the Secretary of State confirm that from later this week, everyone who needs to will be able to access diagnosis and antiviral treatment via the pandemic flu line? Will he say what are the maximum distances to what he describes as local antiviral collection points? Can he explain why pharmacists are being used in some areas but not in others? Why cannot they be used more generally for now, while the numbers involved remain limited?

Over the weekend, conflicting advice was issued to expectant mothers. Consistent and accurate advice is paramount in a situation in which we are trying to maintain public confidence, so can the Secretary of State tell the House what steps he is taking to ensure that the chief medical officer liaises with the royal colleges and other associations to achieve consistency and clarity of advice to the public?

An interim solution for the national pandemic flu line is to be put in place. We know that the Treasury delayed until December signing the contract for a full solution with BT. Even so, this March, the Secretary of State's Department said that it could be available by April or May. It should, according to the plan, have been activated in mid-June, when the pandemic alert was declared, but it was not. To that extent, it is a month late. It is clear that much of the confusion that we have seen in that month could have been avoided if the Government had delivered the pandemic flu line on time. BT says that it did all that was asked of it. Who and what caused the delay?

The Secretary of State still maintains that vaccination could begin by September. There is a great deal of public interest in a potential new vaccine, so it is vital that the Government set out clearly the process for licensing and implementation. Clearly, the fact that a vaccine has been manufactured does not mean that it has been licensed by the European Medicines Agency, the EMEA. We do not yet know whether the EMEA will be able to fast-track licensing based on the mock-up dossier, or whether it will need additional clinical data. We do know that in 1976, the US authorities began a vaccination programme with an unlicensed vaccine that had damaging side-effects. Can the Secretary of State therefore confirm that it is the Government's intention to proceed only with a licensed vaccine?

I have asked the Secretary of State and his predecessors several times for a debate on vaccine prioritisation. Will he publish the advice on the criteria for that, and on the benefit of vaccinating young adults compared with vaccinating the elderly, who appear to have some acquired immunity? Can he tell us how many people aged 55-plus are estimated to have contracted the virus? Of course, we need also to know who he anticipates will fall into the at-risk category groups for vaccination, coming immediately after health and social care workers.

[Mr. Andrew Lansley]

We have to plan for many more hospitalisations over coming weeks. The planning assumptions are for a clinical attack rate of up to 30 per cent. Will the Secretary of State now publish the modelling that forms the evidence base for that assumption? What is the basis for his belief that up to 50 per cent. of children may contract this influenza?

We know that the UK has the smallest number of critical care beds in relation to population of any major health system. May I ask the Secretary of State again what criteria he thinks should be applied to the cancellation of elective operations, and what plans the Government have to train additional NHS staff in the use of non-invasive ventilatory support?

Finally, last Thursday Margaret Chan of the World Health Organisation warned of the threat that developing countries face and their disadvantage in placing orders for a finite supply of vaccines. What more do the Government intend to do to ensure that access to vaccination reaches the most at-risk groups in developing countries?

Andy Burnham: I thank the hon. Gentleman for his remarks, and I agree with him: I am sure that we would all wish to pass on our condolences to those who have, sadly, seen a loved one die in the current outbreak. I also want to put on record again my thanks to the staff of the national health service, particularly those working at primary care level. I visited the antiviral collection point in Tower Hamlets this morning. Obviously, there has been some very real pressure on staff on the front line, who are dealing with lots of cases. In that part of the country, where staff have dealt with some of the highest levels of pressure, they have coped admirably well. We all owe them a great deal of thanks, as we plan to deal with the further challenges ahead.

Let me go through the issues that the hon. Gentleman raised; I shall take each one in turn. He asked me first about the policy of containment, and asked whether I would commission a review. I am confident—this is backed up by the advice from experts in the Department—that the containment policy worked well. It allowed us more time and breathing space, and it provided high-quality information, with which we were able to assess the early development of the virus. It is right to say, of course, that there came a point when it was hard to sustain the procedures of the containment policy in areas that were experiencing great pressure. He will recall that we relieved that pressure by allowing the outbreak management phase to commence. Let me just say to him that we will come back to the issue and look again at it—now is not the time to do that—but the early feeling is that the containment period worked well, and bought us time, which helped us to plan.

The hon. Gentleman asked me about the planning assumptions. I hope that he will agree with my judgment that in this day and age, it is right to share with the public, business and public services the information that is given to the Department and Ministers about the likely effects of the virus, in terms of the spread of disease, hospitalisations and the deaths that sadly occur. I have taken the judgment that we should continue with that policy of openness, but we will at all times explain it and put it in the right context. As he will have heard, in all my statements I have stressed the "business as usual" message at all times, as have the Minister of State, Department of Health, my hon. Friend the Member for Lincoln (Gillian Merron), and Professor Sir Liam Donaldson. I can do so again for the hon. Member for South Cambridgeshire (Mr. Lansley) today; indeed, I did so in my statement. That is always the context.

The hon. Gentleman asked me about antiviral collection points and the steps being taken to ensure that they are accessible to people all over the country. He asked whether there should be maximum distances. Obviously, those are matters for every primary care trust. I said in my statement that I have asked that all Members be given information on the local collection points in their constituencies. We will make sure that that information is given before the national pandemic flu service launches. It is possible that pharmacies could play a greater role in developing that network, and I am open to the possibility that any Member, from any part of the House, may bump into me in the next few days and say, "We haven't got enough collection points; some people will find it a long distance to travel." Let us have that discussion, and respond to concerns, as we go along. We are confident that from the latter part of this week, we can stand up a service that will significantly relieve pressure on primary care and enable us to get medication to people who need it quickly.

The hon. Gentleman asked me about the advice for pregnant mothers, which he said was confusing. Let me say again that our advice has not changed. I cannot make that clear enough. The front page of a newspaper stated that one voluntary body had said that people should not plan for a pregnancy—should postpone pregnancy, in effect—and there was a response to that from the Royal College of General Practitioners. I would be grateful if he would listen to this point: comment has been made on the advice prepared a long time ago for H5N1, bird flu, which, as I think he knows, would have been a more serious virus. It is important that care is taken to ensure that the statements that are made relate to the current advice. As I say, that advice has not changed.

The Royal College of General Practitioners and the Royal College of Obstetricians and Gynaecologists have played a superb role over the past few weeks, and I am sure that they will continue to do so. Both organisations have given clear advice today and in the past week, and of course we will continue to liaise with them to ensure that they can continue to play that role.

The hon. Gentleman said that the national pandemic flu service was "a month late", and asked who had caused the delays. This brings us to the heart of some of the information that the Liberal Democrats were putting out this weekend. I am afraid that they were trying to score a political point when none was justified. As I have explained, when I came into the Department, the clear advice to me was that it would be justified to stand up a new national network—with all the resource, energy and time that that would take—when we had simultaneous outbreaks in many parts of the country and there was not only pressure in two or three places but more sustained pressure across the country.

I want to refer the hon. Gentleman back to the numbers that I quoted in my statement. I will read them to him again, because they illuminate this point. I said: "On 8 July, just six primary care trusts reported exceptional levels of flu-like illness." One week later, that figure had

increased to 110. On that day, 15 July, I took the decision—which was endorsed by Cobra—to activate the national pandemic flu service. We could have done it earlier, had the circumstances justified that. I have been clear since I came into the Department that the service could have been activated, should that have proved necessary. The change in the facts on the ground last week justified the activation of the service, and I do not believe that it is right to build a story about long delays and infighting. That has not been the case, and the decision was not technology-driven; it was driven by pressure on the ground.

The hon. Gentleman asked about a vaccine. There is a difficult discussion to be had about putting in place a prioritisation programme for vaccination that deals with higher-risk groups and health and social care staff at the same time. I believe that that can be done. Given that such a decision will be taken in the next week, or longer ahead, after the House has risen, I undertake to share that information in advance with the Members on both Front Benches, so that they can have an input into the decision.

The hon. Gentleman asked about a licensed vaccine. I repeat what I said in my statement: we obviously want to ensure that any vaccine is properly and thoroughly tested. A process was put in place for H5N1 but, as we are dealing with a mild virus, the circumstances are now different. The balance of risk attached to pursuing an unlicensed product is obviously much changed, given that this is a mild virus. I know that the hon. Gentleman understands these complexities. For me, the important thing is to get in place the necessary assurances on the vaccine as quickly as possible, so that we can move ahead with a prioritised vaccination programme, come the autumn.

The hon. Gentleman asked about critical care. We have taken great steps, not just recently but over a long period of time, strategic health authority by strategic heath authority and primary care trust by primary care trust, to ensure that there is sufficient critical care capacity in all parts of England to enable the NHS to cope. The publication of the planning assumptions last week gave further information to help local health services to plan for the expected levels of demand. Of course we will continue to do that at all stages, and to endeavour at all stages to give full answers and all information so that the hon. Gentleman and all other hon. Members can make informed judgments on these important matters.

Sandra Gidley (Romsey) (LD): I thank the Secretary of State for providing a copy of an early draft of his statement. I also add my thanks to health workers who are working on the front line and behind the scenes. I want to start by asking about the advice to pregnant mothers. Why, if the advice has not changed, did the National Childbirth Trust say that it was acting on departmental advice? Why was the website changed so late in the day?

The right hon. Gentleman talked about patients being advised to contact the national pandemic flu service. They have previously been putting quite a strain on our GPs' services. Will he explain the six-month delay in getting Treasury approval for the hotline? The freedom of information request made it quite clear that there had been a significant delay in signing it off, which could have resulted in an undue work load on our GPs.

I tabled a parliamentary question on collection points earlier this month, in which I asked

"how many primary care trusts had designated influenza treatment distribution centres on 1 July 2009."—[*Official Report*, 13 July 2009; Vol. 496, c. 174W.]

The answer, which I am sure the Secretary of State will be interested to hear, was that the information is "not collected centrally". That does not inspire confidence at all. Who is in charge? Does the Department have a handle on what PCTs are doing, or is it all delegated to a different level?

There have been worrying reports in the newspapers about whether children can receive the vaccine before the final trial results are available. The right hon. Gentleman has tried to reassure us today, but will he explain why manufacturers have been exempted from liability for certain side-effects arising from the vaccines? No decision appears to have been made about the prioritisation of vaccines, yet SAGE—the Strategic Advisory Group of Experts—discussed the matter and made recommendations on 7 July. If that advice was available on 7 July, why has the Department not acted on it, and why are we still waiting for decisions to be made?

Finally, hospital staff are likely to be catered for, but what about care workers? My hon. Friend the Member for North Norfolk (Norman Lamb) has been advised by a care home that the PCT said it did not have the resources to give Tamiflu to care workers in the private sector, who would have to pay. Given that those workers are at the front line, and given the crossover between NHS and social care, will the Secretary of State address that? Will he also clarify what quantities of antivirals are left and explain why so few discussions with pharmaceutical wholesalers about the wider distribution of these products have been held?

Andy Burnham: In replying to the hon. Lady, I will endeavour to respond to any points from the hon. Member for South Cambridgeshire (Mr. Lansley) that I have not answered.

The hon. Lady began by asking about the advice to pregnant women. I repeat that the advice has not changed. The Department has given very clear advice since the beginning—*[Interruption.]* Let me be absolutely clear to the hon. Lady in answering her question, which is very important to many people. Advice was given over the weekend that was based on planning for H5N1, so that clearly was not and is not relevant in this case. The advice was subsequently withdrawn by the organisation concerned.

In those circumstances, it is important to ensure good liaison and sharing of advice, ensuring that different organisations can give their own advice—there is more than one voice in this debate and there is international experience to draw on. At all times, however, we want to give the clearest possible advice, and where further advice or clarification is necessary, we will always provide it. As I said in my statement, the chief medical officer will reissue existing advice, bringing together all the latest information, which I hope will provide some reassurance to the hon. Lady. I do not think that what she said particularly helps in this situation. It is important to recognise that people need clear advice, so we must not and should not invent confusion where there is none.

[Andy Burnham]

On the hon. Lady's claims about a six-month delay, it is important to recognise that the national pandemic flu service is the first of its kind in the world. I am sure that if there were any problems or glitches, Members of all parties would not hesitate to say that it was outrageous and would criticise us for launching a service that had not been properly tested. The service, which is innovative and provides a different approach, will significantly relieve pressure on the primary care front line. Our decision was not technology-driven or, indeed, driven by delays in government. The service has been available for commissioning for some time. With pressure increasing simultaneously in different parts of the country last week, I judged it the right moment to bring this service into being. If we had done that any sooner, however, it could have been a distraction to staff dealing with the early effects of the outbreak in their areas.

The hon. Lady made a fair point about PCTs and about data on antiviral collection points not being collected centrally. I undertook this week to supply all Members with information on local antiviral collection points before the launch of the new service. She is perfectly entitled to hold me to that commitment.

SAGE has discussed vaccines and has made recommendations to Ministers. The Cobra civil contingencies committee first discussed the matter at last week's meeting. We recognised that further time might be necessary to consider the higher-risk groups and the order of priority for receiving the vaccine. We must ensure that we strike the right balance in respect of health and social care workers. Of course, that must be linked to schedules for the delivery of vaccine. The issues are complicated and interlinked, but I commit myself to sharing important information with the hon. Members for South Cambridgeshire and for North Norfolk (Norman Lamb) over the summer.

The hon. Lady made an important point about private care home workers: such front-line staff must be able to do their job, thereby relieving pressure on the national health service. That point has been relayed to me by various people in recent weeks, and it is not lost on me. We will come to a final decision on the matter soon. The aim of giving vaccine to health and social care workers is to ensure that essential services can operate, and that extra pressure is not put on already overstretched services. That principle will guide our approach to issuing vaccine.

Several hon. Members *rose—*

Mr. Speaker: Order. May I say to the House that, at 32 minutes, the statement and Front-Bench exchanges took considerably longer than I would have wanted or expected? I say politely to representatives of the Front Bench that it is almost invariably an unalloyed joy for me to hear them, but it is better for them to leave me hearing less and wanting more, rather than hearing more and wanting less. At least 15 Back Benchers are seeking to put a question, and I want to accommodate them all, so the usual rule applies: short questions and short answers.

Frank Dobson (Holborn and St. Pancras) (Lab): Will my right hon. Friend the Secretary of State give us his assessment of how local parts of the NHS are dealing with the distribution of antiviral drugs? I would not want that question to be interpreted as being in any way critical of what has happened so far, as I commend him, his ministerial colleagues and everyone in the Department and the national health service for their contingency planning and for the implementation of contingency plans, as endorsed by that responsible BBC correspondent Mr. Fergus Walsh, whatever some other people might say.

Andy Burnham: I thank my right hon. Friend. Mr. Walsh has indeed done a superb job in providing balanced coverage to the public, and we pay tribute to him: if coverage is not so well and carefully done, pressure can be put on NHS services as a result of people worrying unnecessarily.

Let me outline what is happening in Camden: three chemists have extended opening hours; three antiviral collection points will be in place later this week, and I shall ensure my right hon. Friend has the details. I am told that there is a flu car for those without flu friends, so there is a local distribution system for people who might find it hard to get antivirals, and 350 courses of antivirals have been issued to date. The local response varies: some PCTs are putting in plans to respond to the requests of their local community, but in Camden, as he can clearly see, a detailed local operation is already in place.

Mr. Nigel Evans (Ribble Valley) (Con): We are now in the holiday season and a lot of people will be going abroad, so what advice does the Secretary of State have for airlines and travellers, especially as nine youngsters have been diagnosed with swine flu in China? Should not those considering going abroad ensure that they have proper insurance: the European health insurance card if they are going to Europe, and proper paid-for insurance if they are going to other countries?

Andy Burnham: The hon. Gentleman raises an important point, as people will be about to travel. It is important that people take the same precautions when travelling as they would when at home. As I have said several times today, it is very important that people travelling within Europe—not just one member of the family, but all family members—have the European health insurance card, as that entitles people to necessary medical treatment, including for swine flu, across the European Union. I hope that the hon. Gentleman will encourage his constituents to ensure that they take that card on holiday. We recommend that if people have swine flu, they do not travel until their symptoms have stopped. We also recommend that people check the Foreign Office website for advice on travel to particular countries. If he wants more detail, I can write to him, but he is correct that people will want clear information on this important matter.

Mr. Kevin Barron (Rother Valley) (Lab): The Department, the Secretary of State and his predecessor have handled the swine flu outbreak very sensibly. While I accept that the outbreak has had tragic consequences for a few people, it is still mild and self-limiting. Is it not incumbent on all of us, both Members of Parliament and the media, to ensure that any reporting takes place on that basis, and that people are not panicked into believing there is something in the country that is worse than what we have—and are controlling—at the moment?

Andy Burnham: I thank my right hon. Friend for his kind remarks. The Department has been well served by a number of Ministers, because—as my right hon. Friend will know in his capacity as Chair of the Health Committee—it has planned for this eventuality for a considerable time.

I agree with my right hon. Friend that everyone—including Members of Parliament and any representative of the media who speaks on a public platform—has a responsibility to deal with this in a calm and measured way following the advice that has been issued. Any unnecessary concern out there could put extra pressure on the NHS front line, and I do not think that anyone would want that. We will rise to the challenge. The NHS has always been a wonderfully resilient organisation, and it will deal with this issue, but let us not make things more difficult for the valuable staff who are in front-line positions.

Mrs. Iris Robinson (Strangford) (DUP): I, too, wish to express my condolences to the families of those who have died from swine flu.

What discussions have taken place about the contribution that the Treasury will make to dealing with the swine flu pandemic, and with the burden that will fall on the devolved Governments in the United Kingdom? Does he agree that, regardless of the statistics on people who are presenting with swine flu symptoms, Northern Ireland, Wales and Scotland should offer the same service, given that we call this a national pandemic flu service?

Andy Burnham: I strongly agree with the hon. Lady's second point. We continue to have regular discussions with the four health Ministers, and Michael McGimpsey has been of great assistance in helping us to co-ordinate our response across the United Kingdom. All Ministers—in Scotland, Wales, Northern Ireland and England—agree that the right response is a UK-wide response, and that will continue.

We do not yet know the full cost of the pressure that the outbreak will place on services. We do not know the full cost of the vaccination programme, because we do not yet know how long the outbreak will last. As far as is possible, we must deal with that pressure within existing budgets and resources; but any extra requests for funding would be dealt with in the usual way, according to existing Treasury arrangements.

Glenda Jackson (Hampstead and Highgate) (Lab): I thank my right hon. Friend for his statement. I am sure he agrees, however, that concern has grown over the definition of pregnant women and the under-fives as vulnerable groups. That is certainly the case in my constituency. Can he reassure my constituents that that vulnerability does not mean that they are more likely than not to contract swine flu? It is certain that in the case of pregnant women there will be no dangers to the unborn child, and it is certain that the treatment for the under-fives is entirely effective.

Andy Burnham: My hon. Friend has made an important point. Some younger people have not encountered this kind of virus before, while some older people have. However, it is not the case that anyone is necessarily more at risk of developing the virus than others; it is a question of people's ability to withstand it after contracting it. That is an important distinction, and I am grateful to my hon. Friend for giving me an opportunity to clarify it.

David Tredinnick (Bosworth) (Con): Further to the question from my hon. Friend the Member for Ribble Valley (Mr. Evans) about travelling, may I point out that the Secretary of State has said nothing about information at airports and ports? Is he issuing leaflets? What about the arrangements for incoming as well as outgoing passengers? What information will be provided, and will any health officers be available?

Andy Burnham: We have not introduced screening at United Kingdom airports, but I take the hon. Gentleman's point about information. I will follow it up, and check that good information is provided at ports of entry. I am grateful to him for bringing the issue to my attention.

The FCO website states:

"Medical screening for the Swine Flu virus... has been introduced... at several airports for passengers arriving on international flights."

That includes airports in China, although obviously practice differs elsewhere. In relation to China, the guidance states:

"The Chinese government continues to place great emphasis on screening and surveillance, rapid detection, quarantine and treatment."

Obviously, we know about the situation with the young children, which emerged over the weekend. We will provide support to them as necessary, but it is for all countries to deal with the outbreak as they see fit.

Jeff Ennis (Barnsley, East and Mexborough) (Lab): This global pandemic is affecting our country in our summer months, and it is anticipated that the situation may get worse as we work towards the winter months. Obviously, however, many countries in the southern hemisphere are experiencing the pandemic during their winter months. How closely are we monitoring the levels of infection in countries in the southern hemisphere, so that we can learn from the trends as we work towards our winter months?

Andy Burnham: My hon. Friend makes an important point. I can assure him that the international figures are monitored. At the risk of sounding overly critical, I think that our surveillance systems are better than those in many other countries, so we must exercise some caution in directly comparing the figures from one country with the figures from another. However, we keep a close eye on those figures. Obviously, one of the things about this virus is that it is spreading here during the summer months, which people would not always expect.

Susan Kramer (Richmond Park) (LD): May I raise again the issue of constituents travelling overseas? Can the Secretary of State assure me that they will be able to contact the national pandemic hotline even if they are overseas, and that there will be some facility to direct them to where they should go, as language and other barriers might mean that they cannot access treatment when they need it?

Andy Burnham: I do not think that people can contact the service from overseas, but that is why I made an important distinction in my statement about people who are travelling. They should take all the necessary

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precautions, including purchasing over-the-counter medications, heeding the advice on the Foreign Office website and considering whether they should also have, if they are travelling within the European Union, a European Union health insurance card. The hon. Lady has raised an important point. I will see whether there is more we can do to provide reassurance. I would not want us today, when we are launching a new service for Britain, to be distracted by another issue, but if I can provide further reassurance or a better and more detailed answer in next 24 or 48 hours I will do that.

Ms Gisela Stuart (Birmingham, Edgbaston) (Lab): During the school term, it was easy to decide which schools had to close because there were outbreaks among the children. Is the Secretary of State talking to local education authorities about what will happen in September when the children return, because some schools might not wish to reopen?

Andy Burnham: The decision will have to be taken locally according to advice from public health officials. It is always the responsibility of the head teacher and chair of governors, and it would be premature to suggest that there should be widespread school closures. The majority of schools in England have broken up for the summer or are about to do so. We hope that that will have a beneficial impact on the spread of the virus, although we cannot be sure about that. We keep all these matters under discussion, and the Under-Secretary of State for Children, Schools and Families, my hon. Friend the Member for Kingston upon Hull, North (Ms Johnson), regularly attends our Cobra meetings. We will update advice to schools if and when that is appropriate.

Dr. Richard Taylor (Wyre Forest) (Ind): Thank you, Mr. Deputy Speaker—[Hon. Members: "Mr. Speaker."] I do apologise, Mr. Speaker, for whatever I said. Despite the Secretary of State's welcome assurances about keeping hon. Members in touch, does he agree that it is incomprehensible and further undermines the reputation of this House that, in the face of this and other crises, we break up tomorrow until 12 October, without any inkling of a recall to scrutinise the Government's actions?

Andy Burnham: I think that the arrangements I have put in place, and which I have explained in my statement today, will give hon. Members on both sides of the House, especially the Front-Bench teams, access to the information they need. We will issue a local hotline number, which will not be in the public domain, so that Members of Parliament can pursue any concerns over the summer months. It is very important that everybody keeps this virus in perspective. Parliament needs to keep it in perspective too, and if the situation changes I am sure that there will be conversations through the usual channels, but at this stage it is business as usual. It is important, however, that we have in place systems to make sure that people are properly updated over the summer months.

Andrew Mackinlay (Thurrock) (Lab): I think the Secretary of State missed the point made by the hon. Member for Ribble Valley (Mr. Evans) and others about people travelling abroad. A constituent of mine who was on holiday in Sharm el Sheikh in Egypt could not leave the country and was incarcerated—I intend no disrespect—in an Egyptian national health service hospital, where he could not get any consular advice. Over the next few weeks, this scenario—involving, perhaps, people who, rightly or wrongly, have not arranged sufficient travel insurance—is likely to escalate enormously, putting enormous strain on the Foreign and Commonwealth Office. There need to be amber lights flashing to the FCO and the travel and insurance industries to make sure that a potentially large number of people are not incarcerated outside the European Union in grotty hospitals.

Andy Burnham: May I say three things to my hon. Friend? First, before they travel people should check the arrangements for dealing with swine flu in each country. Secondly, they should have appropriate insurance in place, should that be necessary. Thirdly, of course we will ensure with colleagues in the Foreign Office that there is appropriate consular advice and support for anybody who finds themselves in a difficult position. Those three things are absolutely vital—and for people travelling within Europe, the European health insurance card is, of course, a crucial document, and nobody should go on holiday without one.

Mr. Ben Wallace (Lancaster and Wyre) (Con): The Secretary of State said he envisaged receiving supplies of the vaccinations by August and that he was prioritising vulnerable groups and vital NHS front-line staff. I am the husband of a wife who is seven months pregnant and due in September, so will he tell me whether he is considering putting women who are in the later stages of pregnancy in any of those vulnerable groups? What steps is he putting in place for hospital maternity units, because the babies of women who have recently given birth are particularly vulnerable?

Andy Burnham: On the latter point, hospitals have, of course, sophisticated systems for ensuring the safety of the ward environment. On the hon. Gentleman's first point, I can assure him that pregnant women are within the priority groups of those considered at higher risk. SAGE has given Ministers the conclusions on those groups. We have had our first discussion of them, but I can confirm that women in pregnancy are included. As and when appropriate—and not before too long, I hope—we will make public who is in those groups. The hon. Member for Romsey (Sandra Gidley) asked that we do that, and I have no problem with it. We want at all stages to be open about the advice that we are receiving, but we must look at the vaccination programme alongside the operational requirements to ensure that health care staff and social care staff are vaccinated. These are the issues, alongside the delivery schedule for the vaccine, that we are currently balancing.

Mr. Mike Hancock (Portsmouth, South) (LD): Does the research confirm whether people can get swine flu twice and whether antivirals and Tamiflu injections are of any benefit in preventing a second bout of swine flu? What work is being done to ensure that a vaccination for swine flu does not counter the normal vaccinations that are given to so many people in this country for winter flu, and on whether those two injections have any effect on each other?

Andy Burnham *rose—*

Mr. Speaker: Order. The hon. Member for Portsmouth, South (Mr. Hancock) slipped in three questions, but I feel sure that the Secretary of State will furnish us with just one answer.

Andy Burnham: Perhaps I will write to the hon. Gentleman to cover all those issues, but if he was asking whether people can get the vaccine or antivirals twice, I can say that the national pandemic flu service has an authorisation code that is meant to stop precisely that problem, so that the antivirals can go around to everybody.

Mr. Greg Hands (Hammersmith and Fulham) (Con): May I take the Secretary of State back to a statistic he gave us earlier orally but which does not seem to appear in the written version of his statement? I think he said that there are currently 652 people in hospital with swine flu, of whom 53 are in critical care. That seems like a rather high proportion. How does that compare with other, more conventional forms of influenza, and does it mean that we are not getting people to hospital fast enough?

Andy Burnham: No, I do not think that it means that at all. We can give the hon. Gentleman figures on the hospitalisation rate if he would find them useful. It is important for me to say that we are at the early stage of a new virus, and although we want to give the House the figures as openly as possible as we receive them, this is a developing situation and I do not believe that he should read too much into them at this stage. We have given him the figures, they are being updated every week and people can make their own judgments on them.

John Hemming (Birmingham, Yardley) (LD): At the previous statement on swine flu, the Minister had no answer to the question about what is being done about people getting cross-infected on a plane flying into this country. We have this strange situation where the Government seem to have done nothing to discourage people from flying into the country, while airlines are turning people away and preventing them from flying out of it with swine flu. What is the Government's rationale for that? What threshold would there be before they did something to discourage people from flying in and infecting people on the plane?

Andy Burnham: I do not know whether the hon. Gentleman thinks that we should stop incoming flights—perhaps he does. From the beginning, the advice from the World Health Organisation was that, given what we knew about this virus, it would not be justifiable to place restrictions on international travel. That was the clear position at the start and I have not seen any WHO advice to change it. Obviously we pay close attention to what the WHO says at all times.

Mr. Tobias Ellwood (Bournemouth, East) (Con): There has been a lot of talk about the FCO website and tourism abroad, but I am interested in what is happening to tourism in Britain. We are very much open for business, yet we see headlines such as today's "Holidaymakers face travel ban as swine flu sweeps country". What conversations has the Secretary of State had with the tourism Minister to ensure that such headlines are placed in context and that the message goes out that Britain is very much open for business?

Andy Burnham: I think that I just gave that message in answer to the hon. Member for Birmingham, Yardley (John Hemming). Britain is very much open for business and, as I say, it is business as usual for the vast majority of people. The Department for Culture, Media and Sport has a representative who attends the Cobra civil contingencies committee, and I am sure that in terms of business continuity we will continue to listen carefully to what he or she says. As I mentioned in my statement, we are developing strong networks for business, in order to give it the advice that it needs. That is being led by the Cabinet Office and it will be useful to tourism, as well as to other businesses.

Mr. Adrian Sanders (Torbay) (LD): I am wearing my all-party group on diabetes hat here. Will all diabetics have access to the vaccine, or will a distinction be drawn between people with diabetes that is controlled by diet and exercise and other people with diabetes?

Andy Burnham: At this stage, I do not want to give all the information about the vaccination programme piece by piece. I gave an answer to the hon. Member for Lancaster and Wyre (Mr. Wallace) because there has been a lot of focus of women in pregnancy and giving further information on that is justified. We will say more in due course. Obviously we are purchasing enough vaccine to vaccinate the whole country, although not all that vaccine will arrive in this calendar year. Thus, we are putting forward a programme of priority vaccination for the autumn, about which we will say more in due course.

Mr. Peter Bone (Wellingborough) (Con): This morning, I rang a travel insurance medical hotline to seek advice about swine flu, but before I got through to someone I heard a pre-recorded message saying, "We can give you no advice about swine flu." What advice is the Secretary of State giving the travel insurance industry? If I go abroad with a slight temperature would I invalidate my travel insurance were I to get swine flu?

Andy Burnham: That is a matter for the insurers; it is not necessarily a matter for me. I have said clearly throughout this statement that people should carefully check the FCO website and other advice before they travel, and they should not travel if they have symptoms. That advice is clear and if the hon. Gentleman has a query about his insurance policy, he should raise it with his insurer.

Mr. Charles Walker (Broxbourne) (Con): The Secretary of State is correct to say that swine flu is important and serious, but we must keep a sense of perspective, because the truth is that over the next six to 12 months many more of our constituents will develop cancer and heart disease and die from those illnesses. Will he join me in urging the media to report the illness of swine flu responsibly, thereby avoiding mass hysteria?

Andy Burnham: It is important to acknowledge—as the hon. Gentleman did—that accurate, balanced and calm reporting of this virus is necessary. If that tone is

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not struck, it puts pressure on the NHS and limits its ability to cope with the daily pressures, which continue, as the hon. Gentleman rightly says. The launch of the national pandemic flu service will take pressure off the health service by creating an alternative route for access to medication, and that will go a long way to helping to relieve pressure on the front line. We all have a responsibility to face up to the challenges as they come up, to deal with them as best we can, and to explain them as calmly and concisely as we can, which will help the whole country get through this challenge.

In conclusion, may I say that the NHS will get through this challenge, because it is wonderfully resilient? It has faced many challenges before and will face this one in the same way.

Parker Pen Factory, Newhaven

Application for emergency debate (Standing Order No. 24)

4.31 pm

Norman Baker (Lewes) (LD): I rise to propose that the House should debate the matter of the decision to close the Parker Pen Factory, Newhaven.

This is a specific and important matter that should be given urgent consideration. The decision to close the factory, taken by the American parent company, Newell Rubbermaid, will result in the loss of 180 jobs. This will have a terrible effect on the population of Newhaven, which is already suffering far more from the effects of the recession than other nearby towns such as Lewes. There has been a pen factory in Newhaven since 1921 and it has been Parker since 1945. Indeed, Parker Pen is the flagship employer in Newhaven, but the keystone of the bridge is now being removed.

The factory was visited by Mrs. Thatcher when she was Prime Minister, and it has a loyal work force in Newhaven, which has done its best to support Parker Pen over the years. There is a suspicion that the factory is being closed because the much stricter French employment laws make it more difficult to close the factory in Nantes—to which the jobs are being transferred. In other words, the employment laws in this country, which are supposed to encourage employment, will have the opposite effect on this occasion.

Whether you allow a debate or not, Mr. Speaker, I ask Ministers on the Treasury Bench to note the need for an urgent support package for Newhaven, which has suffered grossly from the recession, with a significant unemployment problem and the town centre being in a poor way. The support—or even rescue—package for the town should be put in place through the South East England Development Agency, with Ministers from the Department for Business, Innovation and Skills, and help from Jobcentre Plus to deal with the 180 employees who will, sadly, lose their jobs. I ask Ministers to work with me for the benefit of my constituents.

I thank you, Mr. Speaker, for the opportunity to make this case for my constituents.

Mr. Speaker: I have listened carefully to what the hon. Gentleman has said, and I have to give my decision without stating any reasons. I am afraid that I do not consider that the matter that he has raised is appropriate for discussion under Standing Order No. 24, and I cannot therefore submit the application to the House.

Points of Order

4.33 pm

Mike Penning (Hemel Hempstead) (Con): On a point of order, Mr. Speaker. I wish to raise a point of order that may sound trivial, but is a matter of serious disappointment for young people in my constituency. For the last four years in the run-up to Christmas, choirs from my constituency have entertained parliamentarians, staff and other members of the Palace authorities over lunch. Last week, out of the blue, an e-mail arrived at my office saying that this would be banned in the future, as it was inconveniencing Members of the House during their lunch. Were you aware of that, Mr. Speaker? Surely we should be encouraging young people to come to this House, not barring them.

Mr. Speaker: I am grateful to the hon. Gentleman for the point of order that he has raised. I confess that I was not previously conscious of it, as will probably be apparent to him and the House by the rather measured terms of my response. Suffice it to say that, on the face of it, he and his constituents have reason to be disconcerted, and I will certainly look into the matter. I am happy to revert to the hon. Gentleman when I have done so.

Andrew Mackinlay (Thurrock) (Lab): On a point of order, Mr. Speaker. You recently made it clear to Ministers that you expect substantive replies to parliamentary questions before the summer recess, which is a little more than 24 hours off. May I draw this to your attention and seek your support? Frankly, the biggest offender, in my view, is the Prime Minister himself. To buttress my argument, and to illustrate the point, I point out that I asked a question of the Prime Minister about his meeting with President Gaddafi, at the margins of a recent summit, in relation to matters raised by the hon. Member for Belfast, North (Mr. Dodds) and me about compensation for the victims of IRA Semtex whose provenance was Libya. The Prime Minister sent me a letter saying that was referred to the Foreign and Commonwealth Office, but the only person who could answer my question was the Prime Minister himself—not even the Foreign Secretary. I also asked about the per diem remuneration for members of Chilcot, and the Prime Minister said that was a matter for Chilcot. He refuses to answer a simple question.

Mr. Speaker, will you, first, ensure that there are substantive replies from all Ministers by tomorrow and, secondly, look at the Prime Minister, who dodges the question time and again? I am certainly not prepared to put up with that.

Mr. Speaker: I am grateful to the hon. Gentleman for his point of order, which was put to me and the House in the characteristically blunt terms that the House has come to appreciate. I know that the hon. Gentleman would not seek to inveigle me into an argument between him and the Prime Minister, but what I would say to him is that who answers a question that the hon. Gentleman or any other hon. or right hon. Member poses is a matter for the head of the Department or, in this case, for the Prime Minister. Similarly, the content of such answers is a matter for Ministers and I cannot get into that.

What I can say to the hon. Gentleman is that the exhortation I issued to all Ministers to ensure that substantive replies were provided before the summer recess was an exhortation that extended to the Prime Minister as well, because he, of course, is a Minister. Moreover, I think I can gently say to the hon. Gentleman, who is an extremely experienced Member of the House, that he might feel tempted to try to give voice to some of these concerns in a little more detail in the Adjournment debate that will take place immediately prior to the summer recess tomorrow.

BILL PRESENTED

Constitutional Reform and Governance Bill

Presentation and First Reading (Standing Order No. 57)

Mr. Secretary Straw, supported by the Prime Minister, Mr. Chancellor of the Exchequer, Secretary David Miliband, Secretary Alan Johnson, Tessa Jowell and Michael Wills, presented a Bill to make provision relating to the civil service of the State; to make provision relating to the ratification of treaties; to amend section 2 of the House of Lords Act 1999 and make provision relating to the removal, suspension and resignation of members of the House of Lords; to repeal sections 132 to 138 of the Serious Organised Crime and Police Act 2005 and to amend Part 2 of the Public Order Act 1986; to make provision relating to time limits for human rights claims against devolved administrations; to make provision relating to judges and similar office holders; to make provision relating to the Comptroller and Auditor General and to establish a body corporate called the National Audit Office; to amend the Government Resources and Accounts Act 2000 and to make corresponding provision in relation to Wales.

Bill read the First time; to be read a Second time tomorrow, and to be printed (Bill 142) with explanatory notes (Bill 142-EN).

Child Poverty Bill

[Relevant Documents: The transcript of oral evidence taken before the Work and Pensions Committee on 17 June 2009 on Child Poverty, HC 702; Second Report of the Work and Pensions Committee, Session 2007-08, HC 42-I, on The best start in life? Alleviating deprivation, improving social mobility and eradicating child poverty; and the Government response, Second Special Report of the Committee, Session 2007-08, HC 580.]

Second Reading

4.37 pm

The Secretary of State for Work and Pensions (Yvette Cooper): I beg to move, That the Bill be now read a Second time.

I hope that the Bill will have support from all parts of the House. I believe it is one of the most radical Bills we have debated in this Parliament. It sets out a vision of a fairer society that is bold and ambitious—a vision of equality and opportunity for our children that goes further than any other European country currently achieves. It entrenches that vision in our legislation for the long term.

We know that no law alone can end child poverty, but the Bill will help to hold the Government's feet to the flames in pursuit of a fairer Britain. It will demand of Governments, now and in the future, determined action to cut child poverty and to stop children being left behind. Those are bold ambitions, but they are the right ambitions.

The Bill does more than simply set out targets; it embeds a set of values in our primary legislation. For a start, it is the chance for Parliament to make it clear that children in the 21st century should not grow up suffering deprivation, and that they should not grow up lacking the necessities that most of us take for granted, and which allow them to participate fully in society—things such as keeping the house warm, being able to go on a week's holiday or being able to afford a bike to get out and about with friends. We are setting a clear target to cut the number of children growing up in low-income and material deprivation.

Mr. John Redwood (Wokingham) (Con): Why then have inequalities of income grown over the past 12 years? What will the Government do now to make that different in their final year in office?

Yvette Cooper: As the right hon. Gentleman will know, the figure on child poverty has in fact dropped over the past 12 years, in contrast to its having doubled over the previous 12 years. He will know too that our measure of child poverty is a relative poverty measure—it is an inequality measure. It is one of the most important things the Government have done to stop the inexorable rise in child poverty that his party and the Government of whom he was part presided over, and indeed encouraged when they chose to freeze child benefit three years in a row, so that, shockingly, in 1997 the level of child benefit was lower in real terms than it was in 1979. That is why it is so important that we have taken action to cut the number of children in poverty by half a million, with other measures in place to reduce it further.

Mr. Gary Streeter (South-West Devon) (Con): The right hon. Lady talks about the values that underpin the Bill, and I certainly welcome those. Clause 8(5) lists a number of things that have to be taken into account in assessing and measuring progress once the Bill becomes law, including considerations relating to skills, employment and housing. Why is there nothing about the stability of the family environment? Surely that is one of the most important things for any child, is it not? Why is the Bill silent on that?

Yvette Cooper: It is right that we support families, and we should support families of all kinds, whatever their circumstances. That includes helping them to have stability in their lives—stability for children as they grow. It is also right that we recognise what the Government can do and where the Government can take action to support families. That is why there is also a serious vision of equality embedded in the Bill. Labour's child poverty targets have never just been about poverty; they have always been about narrowing the unfair inequalities that can haunt children throughout their lives.

Mr. David Heath (Somerton and Frome) (LD): I entirely support the right hon. Lady's contention, but I am puzzled because the Government's position on this Bill, which sets out targets and makes it a duty on the Secretary of State to meet them, is different from the one they adopted on my Fuel Poverty Bill, in which I set out targets and placed a duty on the Secretary of State to meet them. I was told:

"That is an absolutist position, and it cannot be acceptable to any Government."—[*Official Report*, 20 March 2009; Vol. 489, c. 1199.]

I was told that it would be opposed at all costs. Have Ministers changed their minds about the appropriateness of such a step?

Yvette Cooper: The hon. Gentleman is right in that it is indeed a radical thing for us to set Secretaries of State a duty to meet targets to cut child poverty and to abolish it by 2020, as set out in the Bill. We considered long and hard how best to embody the targets and the duty in the legislation because we think that ending child poverty is serious and will have an impact throughout the country.

Concerns about fuel poverty are reflected in the assessment of material deprivation, so we take the issue very seriously. The hon. Gentleman will realise that, for example, there are families who are concerned about being able to pay their fuel bills this winter, which has an impact on their children. We have taken an overarching approach to child poverty which looks at a series of separate targets because this is about opportunities for every child for many generations to come.

We believe that every child should get a fair start in life, and every child should have the chance to get on, to develop their potential and to chase their dreams. We believe in equality of opportunity for children as they grow, but we can make those opportunities real only if we also tackle the poverty and inequality that holds children back today. We know that children from low-income families do less well at school. We know that children on free school meals are only half as likely as the rest of their class mates to get five good GCSEs. We know that being left behind can be about missing out on

educational school trips or music lessons, or not being able to get on the internet at home to research homework. It can mean cases such as those in the Barnardo's report out today of the 14-year-old boy Jelani who got nothing at all for his birthday—except for £10 from a friend that he gave to his mother to help towards the cost of his school uniform. Children get left behind for years to come if their family get left behind today.

John Howell (Henley) (Con): Given the case that the right hon. Lady started to make—that there are many factors involved in deprivation—can she tell us why the targets that she has chosen are simply income-based? Surely they should be broader.

Yvette Cooper: In fact, as I have just explained, the material deprivation target looks more broadly at the kinds of material circumstances in which families can find themselves. However, we have been clear that it is right to look at the relative poverty target because of the impact that that has on other aspects of children's lives, and for all their lives.

We also know that if we are concerned to increase family income, often the best way of doing so is by looking at how to get more parents into work and increase their skills and employability, so that they can get better-paid jobs in future. However, we also know that family income can have a significant impact on children's chances throughout their lives. It is simply unfair that some children should fall so far behind others and lose their chance to get on in life and properly fulfil their potential because of their family circumstances in early childhood.

Our main child poverty target has always been a relative poverty target and it must stay so. It means that as society becomes more prosperous, all our children must share in that prosperity. As the incomes of better-off families grow, the poorest families must not get left further behind, because if they do their children will fall further behind—and not just today, but potentially for decades to come.

The Bill goes further, because for the first time we are highlighting the importance of tackling persistent poverty. That, after all, is where the greatest harm for children lies. In the end, no Government action can prevent everything that goes wrong in families or causes problems for the children. However, we can work to help to get people the support that they need as soon as possible, so that the family is not trapped in poverty for years at a time.

Steve Webb (Northavon) (LD): It is clearly an evil for a child to be persistently poor. Likewise, it is an evil for a pensioner to be persistently poor, year in, year out. We welcome the Bill but, having legislated to eliminate child poverty, does the Secretary of State have a time scale in mind to legislate to eliminate pensioner poverty, or is that a second-order priority?

Yvette Cooper: The hon. Gentleman will know that we have made substantial progress in cutting pensioner poverty, lifting pensioners out of poverty through measures such as the winter fuel allowance and the pension credit in particular, which has provided substantial support for pensioners. Therefore, the chances of being in poverty are now much higher for children than they are for pensioners. That is why we are saying now that the target to end child poverty in a generation is sufficiently important to embed it in legislation and make clear progress on it in future years.

We have seen significant changes over the past 12 years. When we started in 1997, child poverty had been rising for 18 years. In fact, child poverty doubled between 1979 and 1997.

John Battle (Leeds, West) (Lab): I welcome the Bill, which I think will prove to be a significant milestone in tackling poverty in our country. I particularly welcome the provisions on local government. In order to meet the targets, can we encourage and support local government in all parts of the country to make rooting out poverty a top priority?

Yvette Cooper: My right hon. Friend is right to suggest that local government often has considerable ability to make a genuine difference in local communities, tackling the estates with the highest levels of child poverty, helping parents into work or tackling problems that children in certain communities can face. That is why we have set out duties on local government in the Bill, including the duty to work with other agencies, such as the local police, the local health service and other organisations across the community. Tackling child poverty cannot be about just national Government; it cannot be about just local government.

The number of children in absolute poverty has halved since 1997 and the number in relative poverty has dropped by 500,000. We expect the measures that were recently introduced, including increases in the child tax credit, to lift a further 500,000 out of relative poverty. More than 600,000 more lone parents are in work, while the minimum wage has helped to tackle poverty pay. Some 3,000 Sure Start children's centres are helping 2.4 million young children and their families, while £20 billion of support for families is being provided through the tax credit system—measure after measure sadly opposed by the Conservatives. Yet if we had not done that—if we had followed the Conservative approach and simply uprated the tax and benefit system by inflation each year since 1997—2.1 million more children would be in poverty today.

John Mason (Glasgow, East) (SNP): The Minister mentions the minimum wage and relative income, on which I completely agree with her. However, is there also a place for absolute figures? Does the minimum wage perhaps need to be higher, or do we need some kind of minimum income standard?

Yvette Cooper: The hon. Gentleman will know that we take advice from the Low Pay Commission on the level at which the minimum wage should be set. We have also introduced tax credits, including the working tax credit and the child tax credit, to provide additional income for families. That has made a substantial difference of thousands of pounds a year to many families, without which many more would be in poverty today: it is transforming families' lives.

However, this is not enough—we need to go much further. We need to be even more ambitious in future. We know that achieving these targets will not be easy. The very fact of setting a relative target means that as

[Yvette Cooper]

the economy grows and society becomes more prosperous, we have to work even harder to make sure that no one gets left behind. We know, too, that the challenge facing us is even more difficult in our current economic circumstances, but it is also even more important that we succeed. Over the past 18 months, we have continued to set out new measures to tackle child poverty, even in tougher times, including increasing tax credits, expanding child care, and increasing support for parents to get back into work. Everyone knows that it will be difficult to meet our target of halving child poverty by next year, but we believe that it is right to keep working towards it and to make as much progress as we can, even in more difficult times.

The recession makes action on child poverty even more important. The action that we take now is critical to preventing child poverty not just today but for many years to come. It was the failure of Tory Governments to help people through the recessions of the 1980s and 1990s that led to the big increases in child poverty at that time. Too many parents in the '80s and '90s lost their jobs and were abandoned, left in long-term unemployment or pushed on to other long-term benefits to fiddle the figures, with devastating consequences for them and for their families. Parents, and young people who were soon to become parents, not only fell out of work but fell out of the labour market altogether, making it harder for them to get back on their feet when the upturn came. The cost of that Conservative neglect was felt not just among the parents but among their children who are themselves parents today.

The Tories are sometimes accused of abandoning a generation: the truth is they abandoned several generations. *[Interruption.]* Conservative Members do not want to hear about the consequences for future generations, and for child poverty today, of their inaction and their abandonment of young people—future parents—in previous recessions .

Mrs. Theresa May (Maidenhead) (Con): The Secretary of State is making a great claim that the Government have done so much over the past 12 years. Why, then, have we just seen a record rise in unemployment, why is youth unemployment higher than when this Government came into office, and why has child poverty been rising for the past few years?

Yvette Cooper: The right hon. Lady is opposing all the action that we are taking to help people who are unemployed. We are facing the first worldwide recession since the second world war; right across every country in the world job losses are increasing and unemployment is rising. The difference between my party and hers is that we believe we should not turn our backs on people. We believe that we should invest in people's futures and help them to get back to work. Her party has repeatedly refused to support the £5 billion extra investment to help the unemployed back to work. I will give way to any Conservative Front Bencher who can tell me now that they will support the £5 billion additional investment to help young people to get back into work. *[Interruption.]* Hon. Members chatter from the Front Bench, but none of them has the confidence or the guts to stand up at that Dispatch Box and tell us that they will support the £5 billion additional investment in helping people who are losing their jobs today—shame on them. Once again, they are refusing to support people, and that will put more families into poverty in the future. Once again, they cannot accept that it was their failure to act in the early '80s and early '90s—a failure that they intend to repeat—that has left so many children in unemployed households now.

Mr. Charles Walker (Broxbourne) (Con) *rose—*

Yvette Cooper: The hon. Gentleman is keen to intervene from the Back Benches. I will give way to him in the hope that he will go further than his Front Benchers are prepared to and say that he is ready to support the £5 billion investment to help people back into work today.

Mr. Walker: I just want to get back to serious politics for a moment, if the Secretary of State will allow me. She claims to care about the welfare of children, so why is it that over the past 10 years child obesity rates have rocketed under her Government?

Yvette Cooper: I have to say to the hon. Gentleman that there is nothing more serious than helping parents back into work right now or tackling the rising unemployment that we have seen in every country in the world—

Mr. Walker: Answer the question.

Yvette Cooper: The hon. Gentleman might not think that is serious—he might not think the need to tackle child poverty is serious—but he should be ashamed of his party's refusal to support—*[Interruption.]*

Mr. Deputy Speaker (Sir Michael Lord): Order. This is a very serious matter.

Mr. Walker: And it is a disgraceful performance—

Mr. Deputy Speaker: Order. The hon. Gentleman asked a question.

Mr. Walker: And I have not had an answer—

Mr. Deputy Speaker: Order. The hon. Gentleman may not like the answer he gets, but he must not keep chuntering from a sedentary position. Otherwise, he ought perhaps to be asked to leave the debate if he cannot control himself. It does not help the debate at all.

Yvette Cooper: Thank you, Mr. Deputy Speaker. I agree with the hon. Member for Broxbourne (Mr. Walker) that we need to do more to support children who have health problems, including obesity, but we also have to help those children out of poverty. If his party will not face up to the fact that parents who lose their jobs are far more likely still to be in poverty in years to come if they do not get help to get back into work now, he is blind to the serious problems of child poverty across this country.

Mr. Redwood: Why can the Secretary of State not answer my question on income differentials, the shadow Secretary of State's question on child poverty, and the

question asked by my hon. Friend the Member for Broxbourne (Mr. Walker) on obesity? Why does she always have to play crude and idiotic politics instead of dealing with the things that really matter to our constituents?

Yvette Cooper: Not only is that not a question, but the right hon. Gentleman still has not said whether his party is prepared to support the action and investment to do something about child poverty. We have seen—the figures show this—that 500,000 children have been lifted out of poverty as a result of the action that the Government have taken. If we had simply followed the policies of the previous Government—his Government—child poverty would be 2.1 million higher than it is today.

Mr. Philip Hammond (Runnymede and Weybridge) (Con): It is not sustainable.

Yvette Cooper: The shadow Chief Secretary to the Treasury sits there on the Front Bench and says it is not sustainable, we cannot invest, we cannot do anything, we cannot do this, we cannot do that—we cannot afford not to bring child poverty down. We cannot afford not to bring unemployment down. He might think that we should not invest £5 billion in helping the unemployed, but we think that if we do not invest in supporting the unemployed to get back into work, unemployment will stay higher for longer. That will push up debt for longer, too.

John Barrett (Edinburgh, West) (LD): Does the Secretary of State agree that one way of getting more people out of poverty would be to ensure that means-tested benefits were given out, including to those in work? The DWP admits that £10 billion of unclaimed benefits are waiting to be used. That would be one way of reducing the numbers of those in poverty.

Yvette Cooper: We have to do everything that we can to increase the take up of benefits. The hon. Gentleman is right—more can be done, particularly with things such as housing benefit and council tax benefit. As part of the reforms to housing benefit, we have been considering what more we can do to help those who are in work and who may be entitled to housing benefit. It may also help to make it pay for people to go back into work.

Sammy Wilson (East Antrim) (DUP): Although I think that the whole House will support the stated aims of the Bill, does the Secretary of State not recognise that behind the rhetoric the stark statistics show that 200,000 more children are now in child poverty than in 2004? The Institute for Fiscal Studies suggests that the Government's policies will lead to the target for 2010-11 being missed by 600,000. On that basis, although the Minister claims that the Government are concerned about child poverty the facts show something totally different.

Yvette Cooper: The hon. Gentleman knows that the current statistics do not yet include figures for operating the child element of child tax credit in April 2008, the child maintenance disregard for out-of-work benefits in October 2008, the increase in child benefit in 2009 and a series of other measures that have still to feed through. However, I agree with him that it is difficult to make progress, given the worldwide global credit crunch and its impact. It is important to help parents back into work because we know that long-term unemployment causes long-term child poverty, which we experienced in previous generations. That is why helping parents back into work was such an important part of the Budget measures that we announced earlier this year.

Mrs. Joan Humble (Blackpool, North and Fleetwood) (Lab): Earlier the Secretary of State referred to the key role of Sure Start children's centres. Surely by doing more through our Sure Start children's centres, we can provide information and advice to parents about health and nutrition so that we reduce childhood obesity. We can also build up parents' self-esteem and provide training so that they are in a better position to get into work and lift their children out of poverty.

Yvette Cooper: My hon. Friend is right. The Sure Start programme is hugely important in providing opportunities for young people and support for their families. It can help parents in a child's early years, which can be a vulnerable time for families, when they want and need more support. Sure Start has proved to be an excellent way to provide that support. That is why it is not enough simply to back the Bill—one also has to back the means to deliver it. That includes the Sure Start scheme and not cutting it, as Conservative Members would do. If they are serious about supporting the Bill, I challenge them to say that they support the £5 billion investment to help the unemployed and the £1 billion for the future jobs fund to guarantee young people a job rather than leaving them in long-term unemployment. I challenge them to guarantee now that they will not cut the Sure Start programme, which provides so much support for young people throughout the country and helps to tackle child poverty, too.

Conservative Members say that they care about child poverty, but they cannot will the ends and cut the means. The Labour Government are serious about cutting child poverty and the Bill sets out our determination to go further. We are determined to help more parents into work and to get the skills and training they need for well-paid jobs to support children and families as they grow, while also ensuring that work is family friendly so that parents can combine employment and parental responsibilities.

Today, we are announcing more support to help parents hit by the global credit crunch. We know that parents are still losing jobs because of the worldwide recession, but often second earners do not go to the jobcentre for help if their partner is still in work. Yet that extra cash from their part-time or full-time jobs could be vital to help to pay the mortgage or keep the family out of poverty. Indeed, more than 100,000 children could be lifted out of poverty if more second earners worked part time or full time as the children get older. That is why we must do more to help second earners who are affected by the recession, and why we are announcing today a further £10 million to help working mothers who are affected by the recession and help more parents into work. Those funds will be targeted at 25 local authority areas to help to set up job clubs in schools to advise parents on getting access to training, finding work or setting up small businesses.

Tackling child poverty is also about acting across the board to ensure that children do not get left behind: from one-to-one tuition to free fruit for primary school

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children; from the work of neighbourhood police with troubled teenagers to the decent homes programme to put central heating into family homes. Tackling child poverty is everyone's business and that is why the Bill is so important.

The measure requires the Government to work with the devolved Administrations, local councils, the police, the NHS and organisations throughout the country to tackle child poverty in each and every community. It requires every area to set out its own local strategy to tackle child poverty, as well as the Government to set out the national strategy. It establishes a commission of experts to advise us and help drive us forward. It will force Governments to come back to Parliament time and again to demonstrate the progress being made. It ultimately means that the Government will be at risk of action in the courts if they fail.

We are considering a bold Bill, which sets out a radical vision of a fairer society, and a Labour vision of a fairer society. Whereas the Tories doubled child poverty, we are determined to end it. Whereas we want to cut child poverty, they want to cut children's services. Whereas we want to help today's parents, they want to cut the help they need to get back to work. Our priority is to tackle the inequality that prevents our children from getting a fair chance in life, and theirs is to widen inequality by cutting inheritance tax for millionaires. I urge the whole House to back this Bill and to back the long-term measures that are needed to make it a reality. I commend the Bill to the House.

5.5 pm

Mrs. Theresa May (Maidenhead) (Con): Eradicating child poverty is an ambitious but important aspiration for any Government of this country. Not only is it an economic imperative, as no advanced economy can afford to waste the potential of so many of its citizens; more importantly it is a moral imperative, as no decent society should allow children to grow up in poverty.

Let us be clear that poverty exists in 21st century Britain, and for some communities it is the norm and not the exception. That situation is shameful and destructive. Some 10 years ago, the Government made a commitment to eradicate child poverty by 2020. We can disagree about the approach that has been taken and the lack of progress that has been made, but we should all recognise the importance of setting out that ambition.

I reiterate the Conservative party's support for ending child poverty, and I remind hon. Members of the words of my right hon. Friend the Leader of the Opposition. He stated last year:

> "I want…the government I aspire to lead to be judged on how we tackle poverty in office. Because poverty is not acceptable in our country today."

Mr. Jamie Reed (Copeland) (Lab): Can we be clear about this? Is the commitment of the right hon. Lady's party an actual commitment or simply an aspiration?

Mrs. May: If the hon. Gentleman listens to my words, he will find out exactly what our position on this particular issue is. I suggest that he should perhaps take up the difference between an aspiration and a commitment with his party's Front Benchers, who have singularly failed to meet their child poverty target. Not only that, but they have now downgraded their child poverty target for 2010, as is reflected in the Bill. The Government are going to miss not only that target but their 2020 target, which illustrates the fact that setting targets is not what makes a difference.

As I indicated earlier in my intervention on the Secretary of State, to which there was no reply, things are moving in the wrong direction, because child poverty is now rising. Since 2004-05, it has risen by 400,000 after housing costs, meaning that there are 4 million children still living in poverty in the UK. The number of children falling below thresholds of low income and material deprivation rose by 200,000 in the last year for which figures are available. In fact, incomes for the poorest 20 per cent. of families fell in the past year, and have fallen in every year since 2004. All that means that across a range of indicators, income inequality is rising.

Steve Webb: Will the right hon. Lady give way?

Mrs. May: I give way to the hon. Gentleman.

Mr. Deputy Speaker: I call Ed Davey.

Steve Webb: It is Steve Webb, but if I say something stupid it is Ed Davey. *[Laughter.]* No, I take that back.

The shadow Secretary of State commits herself to the aspirations of the Bill, which I welcome. She will have read the regulatory impact assessment, which costs achieving the Bill's goal at about £21 billion a year. Does she have any views on where that money might come from?

Mrs. May: The hon. Gentleman will know as well as I do that one omission from the Bill, and from the Secretary of State's speech, is any recognition of the difficulty for any Government of finding the money to meet the figures in the regulatory impact assessment. One issue that I shall mention is how we should be addressing child poverty in this country, which is not just a matter of money. There are many other aspects that affect child poverty in this country, and I shall deal with some of them in my speech.

I return to the fact that the Government are missing their targets. That is a tragic failure and a damning indictment of 12 years of Labour government. The Bill represents one of the last acts of a tired Government.

Ms Karen Buck (Regent's Park and Kensington, North) (Lab): Will the right hon. Lady give way?

Mrs. May: No, not at this stage.

The Bill ties a future Government to the targets that the current Government have failed to achieve. The Secretary of State may believe that that is clever party politics, but I say to her that such cynical positioning is undignified and belittles the important issues that the Bill should raise. It also sets this whole debate in the realm of the unrealistic; we are all aware of the tremendous pressures on the public finances, yet Ministers seem to have given only a perfunctory nod to such considerations when drafting the Bill.

It is important to remember that poverty is not only about economics. In too many parts of our country, we see not just poverty of income, but poverty of opportunity,

aspiration and environment. A child who grows up without the opportunities of good education, health care or housing is also a child growing up in poverty. Those lost opportunities may relate to things that many of us in this Chamber took for granted when we were growing up—going on school trips, making visits to museums or swimming pools, taking a holiday, whether in the UK or abroad—but for too many British children, those are experiences that they will never enjoy.

When we talk about child poverty, we are also talking about family poverty. Children are poor because their parents are poor. In fact, I would almost like to change the name of the Bill from the Child Poverty Bill to the child and family poverty Bill. That would help us to remember that tackling poverty can never be a matter simply for children's services. Instead, we must adopt a co-ordinated approach that understands the complex roots of deprivation.

Ms Sally Keeble (Northampton, North) (Lab): The right hon. Lady makes an important point about the wider aspects of poverty, but would she not accept that clause 8, on strategies, deals with the very point that she is making? That is why I think that the Bill is much more than just mechanistic target-setting on income levels.

Mrs. May: I will come on to a very important issue that I believe lies behind child and family poverty, but is not referred to in that clause, as my hon. Friend the Member for South-West Devon (Mr. Streeter) pointed out. There are some interesting Government recognitions, not in the Bill but in the regulatory impact assessment and the explanatory notes—I shall mention them later—which suggest that they are at last, after 12 years, beginning to realise that there is more to the issue than finance.

Mr. Redwood: Does my right hon. Friend agree that if Ministers are serious about tackling the issue, they should do it, and lead on it? We do not need another useless quango—the child poverty commission—set up at enormous expense, burdening taxpayers and getting in the way.

Mrs. May: My right hon. Friend refers to the issue of quangos. All I would say to him is that, of course, the next Conservative Government will look to ensure that the number of quangos is significantly reduced, so that taxpayers' money is not wasted on bureaucratic bodies that achieve no aims.

There are aspects of the Bill that we support. We welcome the emphasis on local issues and action, because poverty will never be defeated by grand strategies dreamt up by a Minister in Whitehall. It will take determined work by local government, in partnership with other agencies and, crucially, the voluntary sector. We do not feel that centrally issued diktats will result in the best help for the people who really need it. That is why in Committee we will press the Government for more detail on how the proposals would work in practice, and on how onerous the duty on local authorities will be.

We have concerns about the emphasis on partner authorities for local councils—the police, strategic health authorities, transport bodies and so on. Again, we will need to be absolutely clear about what that emphasis means in practice, and how much discretion local authorities will have. Surely Government should trust local bodies to know what is best for their communities. We would like to see recognition in the Bill of the valuable work done by charities and other community groups—by those who are working on the ground in the most hard-pressed areas of the country. They often achieve very good results for the people whom they are helping—often, I am afraid, in the face of what Government do to them, rather than alongside Government. Those bodies are central to tackling poverty in the UK, and the Government should be doing all that they can to make their life easier.

It is not good enough simply to place more obligations on local authorities without them having the resources to act, so we will look to ensure that the Bill does not simply place more bureaucratic burdens on local authorities without giving them the freedom to innovate and act in accordance with local needs. They need the flexibility to work with whatever organisation it is necessary to work with to tackle poverty in their area. We do not want to see them attempting to fulfil their responsibilities simply by appointing a child poverty officer or creating a new department and leaving them alone to get on with the job. Co-ordinating action will be important at local authority level. Many councils will already be doing good work in this area, but bringing that work together with a clear focus on child and family poverty is what will make a difference.

John Mason: I agree with the shadow Secretary of State about not merely giving the voluntary sector and local authorities more responsibilities. She mentioned resources, however, and I wonder whether she and her party will commit to giving extra resources to the voluntary sector and to local authorities to carry out these duties.

Mrs. May: One of the most important things that we can do for the voluntary sector is free it up to get on with the job that it wants to do. It often finds itself hard pressed by Government diktats—*[Interruption.]* It is all very well Labour Members laughing. They should look at the state of the public finances, which have been presided over by the Prime Minister, when he was Chancellor as well as now. The fact that we have horrendous debt in this country has nothing to do with the Opposition; it is the fault of the Government and the way in which they have managed the public finances and the economy in this country.

As it happens, I was about to reflect on the fact that the Government have enshrined in the Bill the principle of taking economic and fiscal circumstances into account. I recognise the point made by Action for Children: tackling child poverty effectively would have a long-term benefit for the fiscal position. Taking that big-picture approach will be more successful than working in silos and ignoring other pressures on the Government and on society.

However, there are aspects of the Bill about which I have significant concerns, on which we shall press the Government in Committee. My right hon. Friend the Member for Wokingham (Mr. Redwood) mentioned quangos. The creation of a commission on child poverty could be a useful step towards holding the Government of the day to account, but we must avoid its becoming

[Mrs. May]

another ineffective quango whose purpose is long forgotten. The public will be reluctant to support the creation of another committee that costs taxpayers' money, without clear transparency of purpose. I am also concerned about some obvious omissions from the Bill. It contains little on worklessness, in-work poverty or child care, all of which I will return to later. Housing and health care are also notable absentees.

My main criticism, however, is a simple one: I do not believe that simply legislating to end child poverty will make that happen. Reaching for the statute book has been this Government's modus operandi since they were elected, and we have precious little to show for all the laws and regulations that they have passed. All the evidence has shown that, instead of a target approach, we need a targeted approach that commits to addressing the root causes of poverty. The Bill does not do that nearly as robustly or comprehensively as it could have done. Perhaps the Minister will tell the House whether the Government, in taking a legislative approach, intend to involve the courts in enforcing the Bill's provisions. These are issues that will need to be probed further in Committee.

The Government's approach to tackling child poverty over the past 12 years provided some initial success, but, overall, it has been a failure. Their one-dimensional approach, which relies on means-tested benefits only, is unsustainable and will not result in the progress that we all want. The Joseph Rowntree Foundation has said that

"the strategy against poverty and social exclusion pursued since the late 1990s is now largely exhausted".

Indeed, the Government now appear to recognise that themselves. Hidden away in the explanatory notes to the Bill is perhaps the most significant statement that the Government have made on this topic for many years:

"The legislation has the effect of requiring Ministers to consider a wide range of interventions through public services and the contribution of broader policy areas. The Government believes this to be a more cost-effective and sustainable route than increasing tax credits and benefits".

That will be news to many Members present today across the House. I warmly welcome this U-turn, which reverses almost everything that the Prime Minister has told us over the past 12 years.

We have long argued that we must take a wide-ranging approach to tackling poverty. The approach must focus on the root causes of poverty, including family breakdown, worklessness, educational failure and others. No target will be met, no strategy will be effective and no commission will be worth while without that recognition.

Yvette Cooper: If the right hon. Lady recognises that worklessness is an important cause of child poverty, will she now commit her party to supporting the additional £5 billion to help the unemployed get back into work as part of the fiscal stimulus, or not? Yes or no?

Mrs. May: The right hon. Lady makes such a thing of this £5 billion, but I would dearly love to hear her stand up and recognise that some of the money that she is talking about as investment to get people back into work is merely replacing capacity in Jobcentre Plus which has been lost as a result of a decision taken by her Government to continue to shut job centres at an average rate of one a week while unemployment was already rising.

Let me deal with the areas I have just set out. First, Britain has one of the highest rates of family breakdown in Europe. There is widespread evidence showing the impact that family breakdown can have on a child's outcomes in life. We know, for example, that children who experience family breakdown are 75 per cent. more likely to suffer from failed education; 70 per cent. more likely to experience problem drug use; and 35 per cent. more likely to experience unemployment or welfare dependency. Those shocking figures surely provide all the evidence we need to accept that family breakdown is one of the most serious challenges we face.

We will never get to the heart of the problems we face—from crime to debt, from drug addiction to entrenched poverty—if we fail to support the best institution our society has, namely the family. It is central to ensuring the well-being of children; there is no more important way to strengthen our society than to strengthen our families, so we must recognise that family breakdown is a route into poverty for many children.

I am pleased that the Government have now accepted that, although I am disappointed that that recognition is again hidden away in the notes accompanying the Bill. The regulatory impact assessment contains these important two sentences:

"Poverty may cause more family stress and therefore cause family breakdown. However, conversely, family breakdown may have caused the family to fall into poverty."

As far as I am aware, this is the first time that the Government have acknowledged that link, and it is a tribute to the work of my right hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) and others who have campaigned for so long on this issue.

The Government must now follow the logic of their own statement and support families in a way that they have failed to do over the last 12 years. That means, for example, ending the couple penalty that has done so much to undermine families and harm children. It is extraordinary that our tax system actually punishes couples who choose to live together. We are in the ridiculous situation where the state appears to encourage couples to pretend to live apart because they would lose out on benefits if it were known that they lived together. What sort of message does that send to families? That must play a part in the fact that 60 per cent. of children in poverty live in couple families, and it is a component of high levels of in-work poverty.

We have set out proposals to end the couple penalty by increasing the working tax credit for couples, helping 1.8 million of the poorest couples and in doing so lifting 300,000 children out of poverty. I think it is a pity that the Government have not adopted that proposal. I call on the Secretary of State to look again at adopting it, as it is an important step that the Government could take towards meeting their 2020 target.

Yvette Cooper: Will the right hon. Lady tell me how she proposes to pay for that measure? Secondly, does it come first on her priority list, or does it come after cutting inheritance tax for millionaires' estates?

Mrs. May: The Secretary of State knows full well how we will pay for the proposal—*[Interruption.]* Oh yes she does, because we set it out at the time—*[Interruption.]* The Secretary of State says that these are measures that the Government are already taking. Well, that is not the case, as I will show. Sadly, what this Government are doing on welfare reform—I assume she is referring to welfare reform—does not go far enough and will not have a sufficient impact on helping people back into work.

Mr. Jamie Reed *rose—*

Mrs. May: No, I want to make some more progress.

As it happens, I was about to come to the fact that work provides the only sustainable route out of poverty, which is why it is important to understand that child poverty is parental poverty as well. I am disappointed that the Bill does not give greater attention to the importance of business and economic regeneration. It says little about local enterprise, but that must be a key part of any local partnerships to tackle poverty. We have not begun to tackle the problem of worklessness in this country. We went into the recession with nearly 5 million people claiming some form of out-of-work benefit. Despite one of the most sustained periods of economic growth in our history, hardly a dent has been made on the hard core of welfare dependency, and we are now seeing record rises in unemployment.

Worklessness and benefit dependency put children and young people at risk of a cycle of poverty, yet Britain has a higher proportion of children living in workless households than any other EU country. The figures show why that is so serious: in households in which all the adults work, a child has only an 8 per cent. chance of being in poverty; in households in which no adults work, that figure rises to 61 per cent. Even the initial progress in reducing child poverty occurred not because of success in tackling high levels of worklessness; one recent report has shown that the number of children living in households in poverty—or those that would be in poverty without tax credits—has increased by nearly 1 million under Labour. Of course, tax credits have been a means of helping the poorest families. However, as the Government now accept, a strategy that relies solely on tax credits, without getting people into work, is not sustainable. Worse, such an approach undermines incentives to work.

Ms Buck: Without support for tax credits, the logic of the right hon. Lady's position is that she is prepared to see parents going into employment even if that employment leaves them below the poverty level. Will she confirm that that is the case?

Mrs. May: I did not say that at all, and I suggest that the hon. Lady listens more closely.

As the Institute for Fiscal Studies has stated, the extension of means-testing has weakened incentives for many people to stay in work and increase their earnings. It rightly warns that the strategy that the Government have clung to for so long might have the effect of increasing poverty by weakening incentives for parents to work. Without a clear recognition of the importance of local enterprise and regeneration, the Bill contains little to tackle the problem of welfare dependency. It is vital that the Secretary of State does not backtrack on the essential programme of welfare reform, which her predecessor began, following our proposals. Instead, I would prefer to see her go further, as we originally proposed and still advocate.

Part of tackling worklessness is making work pay and making work possible, which involves setting an environment in which good-quality part-time or flexible jobs can be provided for parents, along with high-quality and affordable child care options. I am disappointed that the Bill does not reflect those issues, and I urge the Government to recognise how vital such interrelated aspects of family life are.

Paul Rowen (Rochdale) (LD): Will the right hon. Lady give way?

Mrs. May: I will make a little progress.

Another part of tackling worklessness will be improving the life chances of our poorest children through the education system. Again, it is disappointing that the Bill does not give greater recognition of that. For example, local colleges and universities could be considered as partner authorities for local government. The simple fact is that we need more good school places; poorer children are missing out because of a lack of them. Therefore, instead of backtracking on the academies programme, as the Secretary of State for Children, Schools and Families has, we should build on it by allowing educational charities, philanthropists, existing school federations, not-for-profit trusts, co-operatives and groups of parents to set up new schools in the state sector and access public funding equivalent to that of existing state schools. That would allow the creation of 200,000 new school places.

We need to divert resources to pupils from disadvantaged backgrounds, ensuring that they get the earliest possible opportunity to choose the best schools and teaching, as my hon. Friend the Member for Surrey Heath (Michael Gove) has set out. Education leading to work provides a route out of poverty. However, for some children, the effect of being born into poverty will already be apparent when they start school. That is why early interventions in a child's health and development are crucial. I again pay tribute to the work on this matter done not only by my right hon. Friend the Member for Chingford and Woodford Green, but by the hon. Member for Nottingham, North (Mr. Allen).

It is disgraceful that the Government have cut the number of health visitors by 2,000 over the past four years. Health visitors give families the support and advice that can help children to secure a good start in life. We would increase their numbers by more than 4,000, guaranteeing a minimum of six hours of health visitor support in the home for all families during the first two weeks of a child's life. There is no magic solution, but we must consider such policies if we are to reverse the increases in child poverty that we have seen in recent years.

Yvette Cooper: The right hon. Lady has spoken about the importance of the early years. Can she confirm that she proposes to cut the Sure Start programme?

Mrs. May: That is a myth that the Labour Government have attempted to perpetuate for many years. We have not said that we will cut the Sure Start programme.

[Mrs. May]

Numerous elements must be considered as part of a broad, holistic approach to child poverty—debt, addictions, health care, housing and the criminal justice system—and we will press the Government on those issues during the remaining stages of the Bill's passage. It would be a wasted opportunity if they ignored them.

The Bill must mark a second phase in our nation's progress towards ending child poverty. The first phase was simply not good enough. It was a one-dimensional approach that focused solely on tax credits and, tragically but predictably, resulted in an increase in child poverty at the very time when it should be decreasing. The same mistake must not be made again. Poverty is a complex and stubborn blight on our nation, and we will not eliminate it until we recognise its causes and tackle them head on. That means supporting the family as the most important institution in our society. It means tackling generational worklessness and welfare dependency. It means ending the failures of our education system, which result in so much wasted talent. It means working with local government, businesses and the voluntary sector in all parts of the country.

The Government's intention in presenting the Bill now is to bind the next Conservative Government. I assure the Minister and the House that the next Conservative Government will not adopt a one-dimensional approach to child and family poverty. We will recognise, and seek to tackle, the complex web of issues that lead to it, as part of our aim to improve the well-being and life chances of all those living in the United Kingdom.

5.31 pm

Mr. Jamie Reed (Copeland) (Lab): I think that I speak for everyone when I say how dismayed I am by the hollow and poor understanding, the poor grasp of the facts, and the real lack of compassion displayed by the right hon. Member for Maidenhead (Mrs. May).

I have spoken in the Chamber many times about matters of importance to me and to my constituents. I have spoken about matters of national and international importance, and about the policy solutions required if we are to succeed in those areas. Sometimes I have spoken about my role as an individual, and the roles that my constituents have played, not only in helping to solve the problems but, on some occasions, in causing them. With that last element particularly in mind, if we are truly to understand and defeat child poverty each and every adult in the country must understand the part that we have played in helping to create it.

It is a matter of fact that in the world's fourth largest economy, at the beginning of the 21st century, the existence of poverty—and child poverty in particular—shames us all. We in this country pride ourselves on our liberal democracy, our values, our national character and much else. Too often, however, we retreat into those comfort zones, satisfied with what we have achieved, satisfied with what we stand for, and satisfied with ourselves. Because the challenges that face us as individuals and as legislators are often relentless, there is an understandable desire in some quarters to take flight from the front line on occasion, and to take stock and repair before entering the fray anew. I entirely understand that attitude, but I reject it, because it has burdened the fight against child poverty. In our towns and villages, in the cities, in the countryside, in our streets, in our state schools and hospitals and elsewhere, it has blighted our efforts.

Each and every one of us in the House should be plagued by the presence of child poverty in our country of wealth and abundance. It should haunt our sleep and terrorise our waking moments, because child poverty is not a choice, and nowhere in the country is it inexorable or unavoidable. Child poverty is a consequence of our actions. It is an illustration of our failings, and for members of my party its defeat is a cause worth devoting the rest of our lives to. However, in doing so, we must remember that the longer it takes to defeat child poverty, the harder victory will become.

I welcome the Bill. It is clearly necessary, and no other party could or would have introduced such legislation. The Government's record since 1997 in taking 500,000 children out of poverty—now they are on the way to taking another 500,000 children out of it—is a worthy one of which we can all be proud.

Mr. Graham Stuart (Beverley and Holderness) (Con): I wonder whether the hon. Gentleman could tell us whether he believes that the number of children in severe poverty has increased or decreased since the Labour Government came to power.

Mr. Reed: I understand that the definition of severe poverty has been roundly condemned by the agencies most concerned about the alleviation of child poverty in this country. It is seen as something of a smokescreen put up by a party that, sadly, refuses to support the very measure that has taken so many children out of poverty.

Ms Buck: I am interested in that question. Is not it the case that the Institute for Fiscal Studies and the Child Poverty Action Group estimate that, if the definition of severe poverty now being promoted by the Conservative party were applied to its record in government, severe poverty would have increased by 500 per cent. during those 18 years?

Mr. Reed: My hon. Friend makes a compelling point. That is absolutely right.

The lives of the children we have lifted from poverty are not simply lives transformed; in many cases, they are literally lives saved. Our actions have undoubtedly prevented significant cases of poverty, including child poverty, across the board. There should be pride in that—but while one British child still languishes in poverty, there can be no satisfaction.

John Mason: I note that the hon. Gentleman has used the words "defeat child poverty" before, and he is talking now about one child being left in poverty, so I wonder whether he is satisfied with the idea of 10 per cent. being left in poverty. Would that be counted as eradication?

Mr. Reed: The measures in the Bill are the most unprecedented steps towards defeating child poverty in this country ever—but, for me as an individual, no I am not satisfied. However, without measures such as the minimum wage, the new deal, Sure Start centres and much else, the incidence of child poverty would be

much greater. We should judge colleagues in the House on their actions, not their words. Their voting record tells us all that we need to know about that.

The truth is that we should have done more. Surely we all accept that, but by creating a statutory duty for child poverty to be effectively defeated by 2020, the Government deserve great credit. It is a bold step. I welcome it, but urge that the date be brought forward. Is it the unintentional consequence of the Bill to allow a child born today not to enjoy that right—that is what it will become under law: a right for children—until they are 11? That cannot be right. Perhaps the Minister can inform the House why 2020 has been chosen, what the next 11 years will look like, and how any potential change of Government would affect the fulfilment of that statutory obligation. Children's charities are very concerned about such a prospect.

Can we also have a guarantee that the fight against child poverty will be properly resourced, irrespective of the broader economic outlook? I ask those questions because the House is very good at listening to those with a voice—victims of collapsed financial schemes, of industrial injuries and of other serious injustices—and we are always adept at listening to the media. We are adept at listening to the taxpayer and we are able to discern special interest groups when we hear them, all in the knowledge that those voices have votes.

Poor children cannot vote. Their voice is usually a whisper, and evidence suggests that when—sometimes that means if—they reach adulthood, they do not vote at all. Why? Because we consign those people to the under-class—a class of people who are, as the term suggests, outside society and outside the acceptable, without a voice and living in the shadows. The journey from the maternity ward to the shadows of poverty is a quick one, and begins the second a child is born into a family living in poverty, whether their poverty is relative or absolute. I think that we can all take genuine comfort from the fact that the national health service ensures that all our children are born equal, but that equality withers the instant a child leaves hospital.

This summer, I will hold a child poverty conference in my constituency. That will bring together local Sure Start centres, voluntary providers of child services, local government, social services, GPs, schools, businesses and Churches. The aim of that group will be to identify the child poverty in my constituency, its scope, location and nature, and then to develop a plan to beat it. Fundamentally, the aim is to defeat child poverty in my constituency well before 2020. It has to be this way, and I urge other hon. Members to do the same.

The battle against child poverty must be fought locally; it cannot be fought solely on a national basis. There is little prospect of a lever being pulled in Whitehall that will have an instantaneous effect in my constituency. We need soft influence as well as hard influence—carrots and sticks.

On soft influence, which the Secretary of State has already mentioned, I return to remarks I made at the beginning of my speech about individuals helping in their own way to create child poverty. Individuals do help to create child poverty; we in this Chamber help to do so in our communities, by ignoring both its causes and its signs. For us truly to succeed, this has to change. As significant as this legislation is, better central policy alone is not enough. More behavioural and cultural change is needed on the part of all of us if we are to prevail.

It is not just the job of the teacher to identify those children in their classroom who are living in poverty. It is not just the role of the Department for Work and Pensions to identify imperilled families. That is also about the local priest who looks after an impoverished parish yet rarely sees the poor among her congregation. It is about the local councillor who sees poverty on his streets and does not shake his council into action. It is about the shopkeeper who knows he should not sell alcohol and tobacco to under-age children but turns a blind eye. It is about the police officer who picks up the same kids from the same estates for the same reasons time and again. It is about the Member of Parliament who has no affinity with his constituency, does not see the impoverished children in his area, and is either too detached, too distracted or too uninterested to solve the problem. It is about the neighbour who does not lend a hand. In short, it is about each and every one of us. We must accept that child poverty is our problem, not someone else's.

Mr. Streeter: The hon. Gentleman is making a powerful speech, which I am appreciating, but in his long list of people for whom child poverty is an issue he has not yet mentioned parents. There should be more in this Bill about the important role played by parents in the early years of a child's upbringing. Will he come on to talk about that?

Mr. Reed: I am grateful to the hon. Gentleman for that intervention, and he pre-empts my next sentence. By "hard influence", I mean precisely parents and the encouragement of self-reliance where there is none to be found.

This is why community efforts are so vital. Whitehall cannot provide the full arsenal that communities need to defeat poverty, because most men and women in Whitehall have probably never seen child poverty.

John Howell: The hon. Gentleman is making an interesting point, with which I happen to agree: a lot of the effort should be local rather than central. However, why then does he agree with a Bill that is so rigid in its central planning diktat for local government?

Mr. Reed: Because we have a fundamental difference of understanding in respect of the Bill's scope, provisions and aims. I think it is a very enabling Bill, which allows people to provide the solutions that they see as being the most appropriate for their own communities.

I have talked about community efforts and the good men and women of Whitehall not having actually seen poverty. Most areas will be different, and in any event child poverty will not be beaten between the hours of 9 and 5, Monday to Friday. With this in mind, I particularly welcome provisions in clause 8 of the Bill, where the Secretary of State must consider what action is necessary, with regard to the employment of parents and the provision of financial support for families, and in health, education, social services, housing, the environment and other policy areas, to ensure that the fight against child poverty succeeds.

[Mr. Jamie Reed]

That cross-departmental approach is essential if we are to succeed. However, I know that such collegiate working can be very difficult, and for this co-ordination to be truly effective it will have to be done in Cabinet and enforced at the highest level. Will the Government ensure that the permanent secretaries of various Departments are as seized as they are of the importance of this agenda?

I also welcome the emphasis placed on local authorities. Independence is important, but will the Secretary of State provide more information regarding discretion among local authorities? Will the Government also ensure that local authorities prioritise need above other considerations? I would hope that they would.

Mr. Graham Stuart: Will the hon. Gentleman give way?

Mr. Reed: I have been more than generous in giving way, and I must now make some progress.

Mark Durkan (Foyle) (SDLP) *rose—*

Mr. Reed: My apologies to my hon. Friend, too, for not giving way.

Will the Government also ensure that the innovation, energy and insight of the third sector are put at the forefront of our efforts? In my experience, the flexibility of the voluntary sector can often—not always, but often—lead to more successful and productive outcomes than when statutory bodies pursue similar aims.

Tackling child poverty must be among the most important public spending priorities. The budgets relating to that policy agenda must be ring-fenced and, as a bold extension to that, we should further incentivise the benefits of employment for the poorest families in our society by taking them out of the taxation system altogether until they no longer live in poverty of any kind, be it relative or absolute. Finally, will the Government consider establishing pilot projects with the aim of defeating child poverty in discrete identified areas well before the 2020 deadline? I volunteer my constituency for such a pilot, and I look forward to the Government's response.

This Bill is precisely what my party, and this Government, are for. I commend Ministers and the Prime Minister for what has been achieved so far, but I urge them to be even bolder by bringing the target date of 2020 forward. Today we celebrate the 40th anniversary of putting a man on the moon, but let us never forget that that feat was not the inevitable consequence of a pressing industrial or scientific need; it was the result of a political choice. Kennedy famously stated:

"We choose to go to the moon."

A combination of sufficient resources and political determination made it possible. Politics is about priorities and choices. The fact that 40 years after conquering the moon we should still be discussing the spectre of child poverty is a sickening tragedy and a savage indictment of our society, so let us choose to do more. Let us choose to defeat child poverty and to do so before 2020.

5.46 pm

Steve Webb (Northavon) (LD): It is a pleasure to follow the hon. Member for Copeland (Mr. Reed), who reminds us, in this discussion of statistics and targets, about the human face of child poverty and the fact that tackling child poverty is a cause, not simply yet another benchmark, target or box-ticking exercise. His perspective is very welcome and his commitment to action in his constituency is impressive.

I welcome the Bill. I sometimes tend to be slightly churlish in response to Government Bills, but I unreservedly welcome the fact that this one contains a commitment to tackling child poverty. At Prime Minister's questions last week, the Prime Minister talked about abolishing child poverty. I think that the House would recognise that that is not what this Bill sets as its target; it sets a target of having fewer than 10 per cent. of children living in relative poverty—by my maths, that still works out as 1 million children. The common understanding among the public of "abolishing" child poverty would not be that 1 million children are left in poverty. I hope that the Government and the Ministers present today will reflect on how they describe this Bill, because there is a danger of a noble end being oversold—Governments of all sides have a tendency to do that. If the aim is presented as the abolition of child poverty and a future Government subsequently pat themselves on the back because only 1 million children are in poverty, the public would be justified in thinking that that was not quite what they had in mind. I hope that Ministers will be more realistic about what this Government seek to achieve through the Bill, but I welcome an objective of this sort and a process for monitoring progress towards it.

Mr. Graham Stuart: I agree with the point that the hon. Gentleman has just made, which is all the more right because in a number of countries, including Denmark, the level of child poverty is below 5 per cent. Thus, to suggest that the eradication of child poverty should involve a figure of 10 per cent. is at least slightly misleading.

Steve Webb: It is certainly true that the UK has a very poor record on child poverty compared with most of the rest of the European Union, and I shall discuss that later. Our record has got progressively worse over the past 20 to 30 years, although at least some welcome efforts have been made to reverse the situation in the past decade or so. The extent of child poverty in this country is internationally embarrassing.

I hope that the House will forgive me for being autobiographical for a moment—I am not referring to my own poor childhood, but to my career prior to coming into this House. My first job was working at the Institute for Fiscal Studies, whose work has been cited on a number of occasions during this debate. In the nine years I was there, my entire research was on poverty and child poverty, and the measurement of it. Although I was working for an avowedly non-party political think-tank—I had to leave it when I was selected as a parliamentary candidate to help preserve its party political neutrality—monitoring povertyunder the previous Conservative Government during the late 1980s and early 1990s was, over many years, a profoundly politicising piece of work. I say that because we would update the

figures each year, check the relevant Department's figures and monitor trends in child poverty and find that year after year the level of child poverty would remorselessly grow. A majority of people would do relatively well, enjoying tax cuts, and the people at the top would do exceptionally well, but year after year more and more children would find themselves in poverty.

One of the things that caused me to cease being an even-handed academic and to want to engage in the political process was the fact that I was appalled at what was happening in our country to the most vulnerable people. Some people did very well in the late 1980s, but children in poverty did not. Therefore, this is a Bill that could never have been brought forward by a Conservative Government, because they stood idly by and watched child poverty reach record levels. To hear Conservative Front Benchers suggest that they even care about this subject, and that it would be some sort of priority, is frankly unbelievable.

People are judged by what they do when they have the chance to do something, and, in 18 years, there was at best benign neglect and, in some cases, policies that actively made matters worse. We have heard of the freezing of child benefit, and I would add to the list the abolition of grants for essential items for lone parents on benefit, and their replacement with repayable loans from the social fund, which had to be paid back out of inadequate benefits. Under those reforms, people could get to the point at which they were too poor to qualify even for a loan. The Conservative party said that poor families were getting too much help through the grant system, and replaced it with repayable loans that had a threshold that meant that people could be too poor to be entitled to help. That is what happens when the Conservatives' priorities are put into practice.

That is one reason why I welcome the framework of this Bill, the 2020 target and the commission. There has been a spurious suggestion that there will be a vast, sprawling quango that will rob the public purse of money. In fact, the estimated cost of this new body is £20,000 for a dozen people to come together four times a year to discuss the issue, with two civil servants working on it. In the context of one of the biggest social problems of our age, that is a tiny amount of money. If this is one of the quangos that the shadow Secretary of State suggests would be abolished by a new Conservative Government, I would like to know what she would put in its place.

Andrew Selous (South-West Bedfordshire) (Con): The hon. Gentleman has launched a withering attack on my party. As a former statistician, he will be aware that the current figure for children in poverty is 23 per cent. I have looked back at the figures, and it has been around the 23 per cent. figure for the past 30 years. It has gone up and down around that figure—*[Interruption.]* If the hon. Gentleman and Ministers look at the figures, they will see that the figure of 23 per cent. has occurred fairly regularly over the past 20 to 30 years. Why does he think that there has not been a big improvement in the last 12 years?

Steve Webb: My recollection of the years I spent looking at those figures is very different. In the late 1980s, when there was public money to spare, it was spent on cutting the standard rate of income tax. Indeed, it was even spent on cutting the top rate from 60 per cent. to 40 per cent. That is where that Government spent money when they had money. Within a year or two of those tax changes, they also froze child benefit. The priority of dealing with child poverty was certainly not borne out in practice.

The policy of the Conservative Government in office was to link benefits for children to the retail prices index. At a time of economic growth, that link means that relative poverty rates will rise remorselessly over the long term, year in and year out. We can argue about the efficiency of the delivery mechanism when it comes to tax credits, but the amounts that have gone into them have been a substantial increase over the RPI—a marked difference to what we saw under the Conservatives.

Mr. Graham Stuart: Will the hon. Gentleman accept that child poverty rates have not fallen significantly under this Government and that employment is the biggest single influence in getting children out of poverty? It was employment that the last Conservative Government prioritised. There was no indifference or lack of care. To suggest that Conservative Members do not care about child poverty is a gross distortion and an untruth, and I ask the hon. Gentleman to withdraw that remark.

Steve Webb: I seem to recall that when Mrs. Thatcher came to power, unemployment was slightly over 1 million, and it reached 3 million within two years. It was still 3 million in the mid-1980s and that had a devastating impact on child poverty. This issue is cyclical, but the Government have clear control over the underlying policy, such as benefit rates. If benefit rates are price-indexed over a period of decades, people on benefits are cut adrift. At the time, that was explicit Government policy, because the argument was that people would be motivated to seek work if life on benefits was made very difficult for them. That was Government policy for decades, and I do not approve of it.

John Mason: Does the hon. Gentleman agree that getting parents into employment does not automatically mean that children are not in poverty? Many children in poverty now are in families with at least one parent working, and that would be made worse if there were no minimum wage—which the Conservative party does not really support.

Steve Webb: The hon. Gentleman is right that there is substantial in-work poverty. The role of the minimum wage, however, is less clear-cut. I support the minimum wage, but many of those on it are young people, so the link between it and households in poverty is not as close as one might imagine, although it is part of the overall picture.

John Battle: I pay tribute to the hon. Gentleman for sticking with this issue since 1980s, paying close attention to the figures and having a clear analysis. Some of us were working on poverty in charities and non-governmental organisations at the time. Does he agree that perhaps the language that we have used has been wrong? We have looked at poverty as though there are puddles of poverty that can be mopped up here and there, when in fact we face deep, entrenched and endemic poverty that has a multitude of causes. We need long-term, patient and serious attention paid locally to those challenges.

Steve Webb: The right hon. Gentleman is right to say that poverty has many facets. One of the welcome aspects of the Bill is that rather than pick a single point of a graph and say, "That is poverty, but that is not", it measures poverty in various ways, including material deprivation and persistent poverty.

My hunch is that the Government have made a rod for their own back with this Bill. They have set four targets. The absolute poverty target is a waste of time. It will just enable the Government to pat themselves on the back—if they cannot reach the poverty target for 10 years ago, we are really in trouble and might as well all go home. The target on persistent poverty, however, will be a nightmare, as will the one on material deprivation. Therefore, it is entirely laudable that the Government have included those targets in the Bill, and I welcome that.

Mr. Streeter: I respect the hon. Gentleman's expertise in this matter, and I shall therefore ask him a genuine question removed from the party political issues. Does he think that it is possible for a family living wholly on benefits to be living above the poverty line?

Steve Webb: That is a central question in this debate. If there is a goal to abolish child poverty in a meaningful sense, and benefit levels are below 60 per cent. of median, some families will always be in child poverty. Even with the most benign economic environment, significant numbers of families will probably always be on benefit. Ministers will have more accurate figures, but I suspect that the benefit level for an unemployed family with two children is not far off the 60 per cent. line. It is not implausible to think that people on basic benefit levels are just out of income poverty. The assumption that people would be in income poverty by being on benefit troubles me, and it should relate to the definition of the adequacy of benefits. I hope that the Minister will be able to give a more precise answer to that question than I can.

Britain's historic record, especially in the 1980s, was shocking, but where we are now is very worrying. In the European context, we are better only than Italy, Poland and Romania. All the other 25 EU countries have lower child poverty rates than we do. The goal of being about as good as the best European countries is a start, but it should not be the end of our ambitions.

One of my greatest concerns is that an opportunity has been missed in the last 12 years. If we have made so little progress when the economy was doing relatively well, it will get much harder in several respects. Presumably, the first to be taken out of poverty are the low-hanging fruit—those who are only a few percentage points below the line, who are temporarily on a low income, who will find another job or who are poor for a simple, single reason rather than complex and multiple reasons. Relatively speaking, it is cheap and easy to take such people out of poverty. If we are behind schedule in the good times, what will be different about the years to 2020 that mean that we will not only catch up but accelerate our progress? If we could not achieve the goal when we had the political will and the money in the bank, when the public finances looked relatively good and the economy was growing—if all we could do was tackle the low-hanging fruit and even be behind schedule on that—is it credible that we will accelerate progress and tackle the most difficult cases when the public finances are crippled? It is an admirable goal, but do the Government believe that we will achieve it? If they do, why have we gone so slowly relative to what we need to do, given that we have been going only for the low-hanging fruit?

The needs of children in poverty are complex and the policies for tackling them will be expensive; for example, complex issues arise for children in families with disabilities or for children living in care. My understanding is that children in care do not count in the figures because they do not live in households, and surveys are based on households. I have no idea what the number of children in care is, although I ought to know—[Hon. Members: "Sixty thousand."] Although there are 60,000 children living in care, could we declare the problem of child poverty solved because the children are not in the survey? Is there some way of grafting them on? I appreciate that mixing and matching is tricky, but it would be an omission if we excluded children living in local authority care.

Children in homeless households probably do not find their way into the surveys. In theory, a household survey can pick up a home[illegible]sehold, but if people are in temporary accomm[illegible] or transient, or if they moved out between the time the survey application comes and the interviewer turns up, they would at the very least be under-represented. Might not a whole set of vulnerable children be missing from the survey? Can the Government think of a better way of including them because they are very important?

Ms Keeble: The hon. Gentleman might also want to take into account the fact that Traveller children and the children of asylum seekers are not included, which is a major point.

Steve Webb: Obviously, a lot will depend on the exact methodology of the survey. There are permanent local authority Traveller sites in my constituency where the residents are on the electoral register, so they would be included, but I accept the general point. The hon. Lady is right: there is a risk that some of the most vulnerable children would be under-represented.

As I think has already been pointed out in the debate, the issue is not just about cash, but dealing with financial hardship and pressures on families will certainly help. That is one of the causative factors in family breakdown—to return to the point made by the hon. Member for South-West Devon (Mr. Streeter) about the impact of family breakdown. When people go to bed every night worried about paying the bills, relationships come under pressure. Tackling that problem might be one of the most practical things we could do to support couples in staying together. The hon. Gentleman suggested that we put something about marriage or parents in the Bill. I am not sure that we need to write anything explicitly in the Bill—that we need to legislate—but there are a lot of policies that might address that point, en route to delivering the child poverty goal.

In the big picture, we have not so far dwelt enough on the get-out clause: clause 15. I do not think the shadow Secretary of State mentioned it—probably because she hopes to invoke it. The idea that the Government might say, "Well, child poverty is terrible, but we are broke," really would cause fundamental doubt about the whole Bill.

Mr. Mark Harper (Forest of Dean) (Con): We are broke.

Steve Webb: But is the Conservative party committed to the Bill or not? We know the state of the public finances, so we risk doing a disservice to our electors if we sign up to a Bill and then all quietly go off saying, "Of course, none of us thinks it will ever be implemented because we're broke." If that is how we view the Bill, we should come clean. As the hon. Member for Copeland said, it is a question of priorities. We will be spending money on some things over the coming years and child poverty clearly needs to be a priority.

The Liberal Democrats have argued that we should be prioritising within existing budgets; for example, rather than paying tax credits right up the income scale, we could reallocate some of the money to lower income families. That would assist in meeting the child poverty goal.

I have one or two more points about measuring child poverty. Happily, we have the whole summer for the Financial Secretary to reflect on all the points I am making—I know he is pleased about that. When he and the Under-Secretary of State for Work and Pensions, the hon. Member for Bishop Auckland (Helen Goodman), gave evidence to the Select Committee on Work and Pensions, the issue of disabled people on disability living allowance was raised. The point was made that if two people—for example, the Financial Secretary and me—were on identical wages, but I was disabled and receiving DLA and had matching costs, the official methodology would say that I was better off than him because my income was higher. However, my costs would be higher. One option is not to include DLA and then we would be the same—as we should be; but the Minister said that as the DLA is income, it has to be counted. That may be so, but another way addressing the issue is through the equivalence scale.

The equivalence scale takes otherwise different households and converts them to a common denominator. Families with extra children have extra needs, so there is an extra factor in the equivalence scale. Why not include a factor for disability in the scale? We can look at the spending patterns of households where someone has a disability, just as we have looked at households with children, and exactly the same method that was used to derive the Maclennan equivalence scale could be used for a scale that reflects disability. We would thus have a truer impression of child poverty in households where an adult is disabled. It might take many years of research to sort that out, but the question needs to be addressed, because I believe that the official figures understate poverty in disabled households. They must do so, because they add an income that is only to meet costs; it is money that goes in and goes out again. It does not make the household better off net than if it was a non-disabled household, but treats it as such. I hope the Minister will look at that issue.

We talked briefly about omissions from the survey data, but some groups are under-reported, such as children from minority ethnic groups where poverty rates are higher. Among white children, the figure is about 20 per cent; it is 42 per cent. among Asian British children, and 31 per cent. for black British children. On average, children from minority ethnic groups are more likely to be in poverty, but they are less likely to be in the surveys, because we know that the household surveys on which the statistics are based tend, for various reasons, to under-represent urban areas and people from minority ethnic groups. The surveys are grossed up to population figures to correct for biases in age, sex and marital status, but not, as far as I am aware, in ethnicity. There is a limit to how far we can go down that route, but my worry is that the official figures under-state poverty, because such groups are under-represented in the surveys and that is not corrected when the data are scaled up to population estimates. Will the Minister look at that point?

In Committee, we shall have many happy hours looking at the detail of the reports. Modesty forbids me from commending various papers that the Minister might like to read over the summer; no doubt, we shall come back to them in the autumn. Stepping back from the minutiae, it is good to have a Bill of this sort. It is 10 years since the then Prime Minister said that we must abolish child poverty in a generation. A child born the day after he said that is now more than halfway through their childhood. As the hon. Member for Copeland said, there is a real worry about urgency, although given that we are behind schedule, even 2020 looks a bit ambitious from where I stand. The worry is that whole generations may go by, so we need an enforcement mechanism.

In response to the Work and Pensions Committee, Ministers said that the Bill states only that Ministers have to have regard to the economic situation in designing their programme. That looks like a get-out clause to me. I would like clause 15 to be taken out of the Bill, because the goal should be tackling child poverty. Of course Ministers will have regard to the economic situation—they always do and they always should—but why do we need that clause in this Bill? It has the feel of a get-out clause and I hope the Government will reflect on that.

When the Government introduced the Climate Change Bill, they had an ambitious goal for a long-term problem and they set up the Committee on Climate Change to oversee and monitor its enforcement. There is recognition of the fact that the public do not trust us when we say, "Vote for us and we'll fix the problem in 20 years' time". We need a mechanism to monitor progress—to chivvy and cajole. The child poverty commission is, if anything, quite clearly under-resourced. If we want it to report to the House on the failure of any successive Government to achieve progress on child poverty, it needs more teeth and more resources. If the commission is to meet only four times a year and be serviced by only two civil servants, will it really have the needling role that the Committee on Climate Change has? We need that for the child poverty commission too. MPs come and MPs go, and people move from portfolio to portfolio, so we need a body whose role in life is to chivvy whichever Government are in power to make sure that we make progress towards a noble aim that will be incredibly difficult to achieve.

6.10 pm

Ms Karen Buck (Regent's Park and Kensington, North) (Lab): I start by emphasising an element of consensus that has emerged from the speeches that we have heard so far: that the Bill is, broadly speaking, a good thing; that establishing a target in statute is, broadly speaking,

[Ms Karen Buck]

a good thing; and that targets alone do nothing to put money in the hands of children who need it, so what matters is what we do to reach the targets rather than the targets themselves. The Secretary of State gave us a compelling reason for reminding ourselves of that—the human dimension of child poverty—when she gave the example of a child who received nothing for his birthday. That is a common experience for children living in extremely low-income families. They will actively avoid other people's birthday parties. Many times I have found that children simply do not respond to an invitation because of their parents' fear that they will not be able to take a present with them.

For the many of us who are parents, this is the first day of the school holidays, and it is worth reminding ourselves exactly what poverty will mean for children who are looking at a six-week stretch without the resources to participate in activities that are regarded as the norm and on offer in the community. We know that one definition of a family on a very low income is of a child of 16 living in a household where the total gross disposable income is £100 a week or less. It costs £9 for a child of 16 to go to a cinema in my constituency, so a family would be looking at spending 10 per cent. of their income on one trip to a cinema. To attend a sports camp, such as a tennis coaching camp, in a local park would cost nearly half the family's income, so the children simply do not take part.

It is no surprise then that we see a tendency for some children from particularly poor families to find themselves in trouble—bored, at a loose end and drifting into antisocial behaviour. When the norm is to participate, and some children are not able to do so, the situation is very difficult. One element of poverty about which we always have to remind ourselves is what the costs of living actually are. Poverty is not just a matter of how much money is coming into the household; it is about what demands are placed on families and their children and their ability to fund those commitments.

That is as far as the consensus goes. I pay tribute to the hon. Member for Northavon (Steve Webb), who said a great deal with which I agree and who has a long track record of displaying knowledge and expertise on this issue. We heard a speech from the spokesperson for the official Opposition that I found profoundly depressing in many respects. The first element that depressed me was the fact that there was no recognition whatever that tough though progress has been to achieve—I shall turn later to some of the problems of maintaining that progress—a great deal has been done. The right hon. Member for Maidenhead (Mrs. May) was extremely negative—indeed, damning—about the Government's record, and drew on some quotes to illustrate her argument. However, we should also consider what has been said by the Joseph Rowntree Foundation, the Institute for Fiscal Studies and others.

Donald Hirsch's report, "What is needed to end child poverty in 2020?" says:

> "Over the last few years a significant reduction in child poverty has been achieved, backed by significant resources."

Similarly, the poverty and inequality official report, published in February by the Joseph Rowntree Foundation, says:

> "There is no simple picture of success or failure...trends have improved in more policy areas than they have worsened in...Notable successes in the last decade included...reduced child and pensioner poverty; improved educational attainment for the poorest areas and schools; and a narrowing of economic and other divides between deprived and other areas."

It is extremely worrying that we are not able to begin a critique of what needs to be done and why progress has stalled in the past couple of years without at least an honest and mature recognition of what has been achieved. When the official Opposition speak—this also came through in interventions—they totally ignore not just some of the progress but the substantive work that the Government have done over the past dozen years to tackle the complex causes of poverty. One has only to look at the annual "Opportunity for all" reports and all the documentation produced by the social exclusion unit to see the enormous amount of research and thinking that went into examining the complex drivers of poverty, including family breakdown and, of course, worklessness, and establishing the importance of early intervention.

It is utterly dishonest to claim that the Government have driven an entirely statist agenda on poverty without working in partnership with voluntary and community organisations. That is simply nonsense, and if that is the Opposition's intellectual level, it bodes very ill. There are plenty of criticisms that can be made of the Government, and plenty of anxieties that can be expressed about where we go from here, but there is a vibrant partnership with voluntary and community organisations at both a local and a national level. I look at my own constituency and see a range of organisations that are working in partnership, such as Sure Start and its children's centres as well as those that are involved in relationship counselling and those that work with children. Westminster Children's Society is our main partner in delivering child care, and Women Like Us works on outreach for parental employment. I point the right hon. Member for Maidenhead towards that kind of work, and ask her to rethink the sterility of the Opposition's position.

Mr. Jamie Reed: Does my hon. Friend share my view that the contribution made from the Opposition Front Bench was more like a crazed attempt to force people into marriage than a meaningful attempt to assault child poverty?

Ms Buck: I do not think that anyone sensible could doubt that growing up in a stable relationship gives a child the best possible start in life. However, I do wonder, given the push towards marriage being reasserted by those on the Opposition Benches, why, when they were in government, they scaled down the married person's tax allowance to the point of its virtual disappearance. There is a little hypocrisy in their position. We want to promote stable relationships, and marriage is obviously a critical, but not the only, way of providing a child with a stable life. We need, above all, as the Government have done—and as, in practice, the Opposition were moving towards—to direct resources towards the child rather than worry too much about the exact status of the relationship in which the child is growing up.

I want to lay to rest some myths, the first of which is the idea that one can tackle child poverty without money. Its causes are complex and multifaceted, and we need to look at education, relationships and so forth to

deal with them, but we will lift people out of poverty by making sure that they have more money. It is a no-brainer, but unfortunately I hear the Conservative party propagating the myth that we can tackle child poverty without money.

It is extremely worrying that we believe that simply driving parents into employment without ensuring that that work pays will somehow tackle poverty—it will not. It will simply move a parent from out-of-work poverty to in-work poverty, and quite possibly deepen their poverty because of the costs that they will have to deal with.

There is also the myth that we can achieve everything that we want to achieve through local delivery rather than with national Government. Ending child poverty is a national Government responsibility. It requires the active participation of local authorities, but I say to Conservative Members that it is striking that my local authority, a flagship Conservative-controlled authority, did not mention the word "poverty" for 11 and a half years, until the Government offered it some money to deliver pilot work on reducing child poverty, whereupon it took the money and is now, I have to say, doing some very solid work on it. However, it has taken—and will continue to take—national direction to deliver that work.

Having defended the Government from what is an admittedly reasonably easy target—the official Opposition—I must say that it is a grave disappointment that we have flatlined following the progress made between 1999 and 2006, with even a slight deterioration in the situation recently, despite the welcome addition of around £2 billion of extra investment in the 2006-07 Budgets, some of which is still to come through. We have an interim target for 2010, which we will clearly not reach, but there is no reason for not recommitting ourselves to reaching it as soon as possible: the fact that we will not hit the target in 2010 does not mean that we cannot hit it in 2011.

We do not want a target for 2020 to take total precedence over interim measures. Similar concerns were raised in relation to the Climate Change Act 2008 about not allowing long-term perfection to drive out the messier and less perfect but none the less very important interim objectives.

My right hon. Friend the Financial Secretary has done a great deal on this issue in his ministerial capacity and he knows that London is at the heart of much of our dilemma in reaching the child poverty objective. London has not made progress—in fact, if London had made the same progress as the rest of the country has, we would be hitting our lone parent employment targets and would be well on the way to hitting our child poverty target. London's experience has clearly demonstrated that incentives work in getting parents into employment and helping them to earn money and lift themselves above the poverty target.

Incentives have worked in every other part of the country. The tax credit system has delivered lone parent employment levels and reduced child poverty, but it has not worked in London. Why not? Work incentives, as delivered through the tax credit system, do not deliver in London because our costs are so much higher. We pretty well know what works. The London child poverty commission does not have a huge intellectual task ahead of it. We know what works: incentives into employment work, as does the delivery of affordable, quality child care. Again, it is a no-brainer. The problem is not about thinking up new ideas, but about delivering on them. That cannot be done for free, despite the assumptions made by the Opposition.

I want to finish by spending a minute or two on something about which we did not hear much from Ministers but about which I would like to hear more in the winding-up speech and in Committee. None of us has done a terribly good job at convincing the public of the need to tackle child poverty. The most fascinating Joseph Rowntree Foundation report—it is also the one that deserves the closest scrutiny by Ministers—is the one that looks at attitudes to child poverty. There is a general assumption among the public that the word "poverty" is associated with individual failure and, effectively, laziness. In part, that is obviously to do with the abstraction of the word "poverty", which people do not like, but when they are confronted with it as a concept, there is a general willingness to believe that people are the architects of their own inadequacy and poverty.

In large part, that is explained by the low awareness in the public mind of such elements as average income. I do not know whether any hon. Member in the Chamber has ever taken it, but the Institute for Fiscal Studies has a test on its website that asks people to place themselves on an income scale. I am sure that all hon. Members know only too well where they are on the income scale, but most people phenomenally underestimate where they stand on the scale—the IFS has applied the test to groups of civil servants in particular. Most people think that they are average earners, but actually—oh boy—we are not. We are very high earners indeed, while the overwhelming majority of people who take the test find that they are much higher on the income scale than they expected.

People do not understand just how low the incomes that people on low incomes are, nor do they fully understand, when they are earning, just how low benefits are. Above all, they do not understand—this point was made in an earlier intervention—that half of all households in poverty contain at least one person who is in work. As long as we have a public assumption that poverty is associated with out-of-work benefit-dependency, we will have our work cut out in winning public support for what needs to be done.

Does it matter whether we have public support? It matters hugely, because we have a moral commitment—I would say that we all have that commitment, in all parts of the House—not to leave children behind in this, the fourth largest economy in the world. It also matters a great deal whether we have public support because poverty costs this country a great deal. The Institute for Fiscal Studies estimates that the cost to the British economy of maintaining high levels of child poverty is around £25 billion, while 1 to 1.8 per cent. of GDP could be saved by lifting children out of poverty. There is therefore a powerful economic case. I am sure that hon. Members in all parts of the House would accept that long-term poverty and inequality not only are an economic drag on this country, but take their toll on the wider economy and society.

6.26 pm

Mr. Gary Streeter (South-West Devon) (Con): It is a pleasure to follow the hon. Member for Regent's Park and Kensington, North (Ms Buck), who made a thoughtful

[Mr. Gary Streeter]

and passionate speech, and with whom I enjoy serving on the Select Committee on Home Affairs. I am used to her intellectual analysis, and we have seen some of that this afternoon.

We all want to eradicate or severely reduce child poverty. There is much in the Bill that we can all support, and we wish it well. We hope that it works. Whichever Government oversee its implementation, we very much hope that child poverty in this country will be reduced. However, I would like to make a few comments, and I hope that the Financial Secretary, who is a very reasonable man, may take some of them on board and seek to improve the Bill as it goes through Committee, although sadly I shall be supporting him only from a distance in that process.

I want first to explore the issue of targets. It seems to be becoming quite a fashionable framework for the Government to impose a target and then set up a commission to monitor it—we have seen that primarily with climate change. One of the problems with targets is that they can be a distortion. We asked the Home Secretary about targets when he appeared before the Home Affairs Committee last week. The police now have only one target, which is public confidence. A couple of years ago, however, they had dozens of targets. There is now a recognition that targets can sometimes be a distortion.

Targets can also be a disappointment. Perhaps the most famous set of targets in the world are the millennium development goals, according to which we will do tremendous things by 2015, but sadly—tragically—it looks as though we will not hit those targets or anything like them by 2015. I just hope that we have not set people up for a huge disappointment, which will not help the implementation of policy.

I therefore worry slightly about the Government just saying, "Here's the target and this is a solution." A target is not a substitute for a plan and a strategy. I would like to see a little more depth to the Government's plan and strategy in the Bill. A target can give us the impression that we are doing something, when in fact all we are doing is creating a target. As for the commission that will oversee that target, I wish it luck; but as we have heard today, it will not be significantly resourced, so I wonder what contribution it will make.

We must not forget that a recent UN report concluded that the children growing up in the UK right now are some of the unhappiest in the whole of Europe. Why is that? The answer is not just about pounds, shillings and pence—that point is the missing ingredient in the Bill and in this debate, although it has been reflected slightly in some of the interventions. How many ways are there of raising children out of poverty? We can increase benefits significantly—we had an exchange about that earlier, although I do not pretend to be an expert on the benefits system; I will leave that to the hon. Member for Northavon (Steve Webb), who certainly is an expert on it—but the call on the Exchequer will be dramatic.

We know that we can improve access to employment, which is a significant way of helping children and families get out of poverty, and I frequently ask myself how we go about that when I encounter poverty in my constituency surgeries. It was rather unkind of an earlier speaker to suggest that Conservative Members do not understand or encounter poverty; we all encounter poverty in our daily lives and in our constituency business. Access to employment is critical, but we must wonder how much there will be over the next few years when we are caught up this serious recession, with private sector unemployment still rising and possibly public sector jobs being lost in the next five years, whoever wins the next general election.

So we can increase benefits and improve access to employment, but a third thing that we can focus on—it is not tackled in the Bill—is improving the stability of the framework in which children grow up. The Bill is primarily about financial poverty, but children suffer all kinds of poverty—it is not just about pounds, shillings and pence. The hon. Member for Regent's Park and Kensington, North made an important point about children who cannot afford to go to the cinema, go on a family trip or go out with their friends. I accept that those are serious impediments, but children are also poor in terms of encouragement, stability, a nurturing environment, and a framework of values in which they can grow and succeed. It is not about single parents—it is about households of chaos, as I tend to call them, and broken families. How many children grow up in households of chaos where they do not enjoy a sense of security and stability and tend to go from pillar to post? That is one of the greatest factors in the creation of poverty. There is not much about that in the Bill, and that worries me.

There is a missed opportunity in clause 8(5). In considering and measuring how we are making progress on child poverty, if we are to take into account education, health and housing—all very sensible—why on earth should we not take into account the frameworks of stability and security in which children are growing up? That is a key factor. I recognise that there is no magic wand to create those frameworks. However, I hope that when the Committee considers the Bill line by line, it will at least debate that, and perhaps add the requirement that we should take into account the stability and security that can breed the nurturing environment and freedom from poverty that we want for all our children. Of course the Bill is well meaning, but it slightly misses the point about the cause of poverty for too many children—it would be better if it said a little about stability and family breakdown.

I strongly support the policy advocated by my Front-Bench colleagues on putting a form of stability back into the tax system. I am modern enough to accept that not everybody is going to get married. I happen to be married, as are many people in this Chamber. The statistics tell us that marriage creates a form of stability that no other union or relationship has known in the past or is likely to know in future. However, I recognise that lots of people do not want to get married—that is fine. I am interested not so much in marriage as in promoting stability for our young children. I think that marriage is the most important vehicle for stability; none the less, I want those who choose another way of life to enjoy a stable relationship, at least while their children are growing up.

I am probably pulling the rug from under my feet by asking how we can achieve that in relation to non-married couples, which is a tricky thing to do. I see that the hon. Member for Northavon is thinking of intervening on me—I hope that he will stay in his seat, because I do not

have an easy answer. However, at least we can make a start with the significant number of people who choose to be married. If we had a tax system that favoured marriage, or at least did away with the penalty on couples, that could give a wider choice to people who have chosen not to get married, and who could then opt into that system. Although we cannot pass a Bill to create stability, we could nudge people by sending a strong signal that we want to underpin stability for families; that would create the right mood music.

I want to see much more early intervention in the lives of children who are clearly in difficulty—not only those who are at risk but those who are in danger of growing up under-achieving and in poverty. The idea that has come from Conservative Front Benchers about equipping and deploying an army of district nurses would be the right way forward. Having experienced, practical people going into the home, seeing what is going on, being able to give advice and acting as a gateway to other advisers would be a useful tool for underpinning stability and early intervention for children who are in danger of falling into poverty and the kind of under-achievement that we see all too frequently.

We talk about these difficult-to-achieve issues to do with creating stability, supporting parents and early intervention, but we do not expect the civil service to do that as it cannot easily be done by the state. The Bill is oddly and disappointingly silent about harnessing the resources of the voluntary and charitable sectors. I am not saying that they can solve every ill—of course they cannot—but there is a vast reservoir of good will and a vast army of people who can supply some of the advice, wisdom, time and support that so many of these families and parents are struggling to find.

I welcome the provision on local authorities and their delivery partners, but the situation as regards outcomes is very patchy around the country. Many local authorities are not good at giving leadership to the voluntary and charitable sectors in their communities and ensuring that there is better co-ordination. We need to improve the situation—the Bill does not do so—and I hope that that can be done in Committee. Why is the voluntary sector able to succeed more than the civil service—more than paid employees or the state—in supporting parents and families who are struggling? It is a question of motivation, of time, and of being able to give a personal, one-on-one commitment to seeing a problem through. That is what many people need. The voluntary sector can help with that, and we need to be a lot better at harnessing it.

We need to include in that the faith communities, whichever faith might be involved. We must be a lot better at deciding what faith communities can do, what they cannot do, and what we want them to do. Of course, no one wants to see them proselytising at the expense of the public purse—that is completely wrong. On the other hand, we do not want to intervene in charitable works with a spiritual component that are undertaken by faith communities, and try to squeeze the life out of them. We cannot say, "Oh yes, that works—we'd like you to do more of it, please, but here's a set of rules we want you to follow that will mean that you won't be getting the same results as previously." This must be based on results. We must monitor what the voluntary sector is doing and vet it with a light touch—it must comply with professional standards—but we must not put it in a straitjacket that squeezes the life out of its performance. It has a huge part to play in supporting and underpinning families and children, and I wish that the Bill did more to encourage that—it is another wasted opportunity.

I am nervous about the setting up of another quango. I have heard that it is not one of the most expensive, but even appointing such independent people would be an expensive process in itself.

There is a grievous omission in the Bill as regards children in care—60,000 youngsters who are surely the poorest of the poor, in view of all the opportunities that have been denied them after their removal from their families, for all kinds of legitimate reasons. Now that we are talking about child poverty, is it not time for a major push in trying to intervene more effectively in the lives of children in care, particularly when so many of them leave care aged 16 and go into a vacuum? I ask the Minister to reflect on that.

The Financial Secretary to the Treasury (Mr. Stephen Timms) *rose—*

Mr. Streeter: Of course I give way to the respected Minister.

Mr. Timms: I hope that the hon. Gentleman will recognise that clause 8(2)(b) refers to all children. The difficulty, though, is in defining what is meant by a child in care being below the poverty line—that is a measurement that cannot be addressed in the Bill. I agree, however, that we need to ensure that children in care, children in Traveller families and others benefit from the improvements that it sets out.

Mr. Streeter: The Minister makes a good point. Perhaps that is one reason why the definition of poverty—although I know that the Bill focuses primarily on financial poverty—should at least give credence to other forms of poverty, which would make things easier. The one thing that I would like the Government to do for children in care, which could easily be done through this Bill, is to ensure that they have proper back-up when they leave care. A lot of them go into a vacuum. A social worker might contact them once in a blue moon—we know how busy they are—and many of these children end up on the streets as the poorest of the poor.

This has been a very interesting debate. Some people say that in modern-day politics there is no difference between the main parties. I think that debates such as this show that there is a difference still between the main parties, and I think that it is a healthy difference. One of the differences that I would see is that the Government are still intent on a top-down solution—if I might say so, a rather bureaucratic, pounds shillings and pence solution—whereas I would like to think that the Opposition are looking at this issue in its proper context. We see that child poverty is at least in part a reflection on the family breakdown that we are seeing in our country, so sadly, at this time. We know that to tackle this problem properly is not just a matter of introducing a new bureaucratic system, a set of targets or a new commission; it is about rolling up our sleeves and grappling with the difficulty of trying to foster security and stability once again for families in this country so that children can grow up to achieve their full potential.

6.41 pm

Julie Morgan (Cardiff, North) (Lab): This has been an important and interesting debate. Child poverty is one of the most important issues that the Government are tackling. I strongly support the Bill and congratulate the Government on the steps that they have taken so far and on having the courage to go for these ambitious targets. Indeed, that is a great tribute to what they have already done.

I want to start by paying tribute to all the organisations that have worked in this field and contributed to the debate about child poverty, in Wales in particular. I want to pay special tribute to Save the Children, the Joseph Rowntree Foundation and the Bevan Foundation, which is a Welsh think-tank, and in particular to the pamphlet written by Victoria Winckler that I shall use in this brief speech.

I am chair of the all-party children in Wales group. I am pleased that its vice-chair, the hon. Member for Blaenau Gwent (Mr. Davies), is also here. The group has worked very closely with the voluntary agencies involved in tackling child poverty. The importance of the voluntary sector's role has already been made clear. I want to emphasise that point. Before I came to this place, I worked for Barnardo's; I worked with many children who were growing up in deprived circumstances. Having a Government who are trying to address those issues is a huge step forward.

The all-party group recently visited a family centre in Pontlottyn run by Action for Children. The centre is in the constituency of my hon. Friend the Member for Merthyr Tydfil and Rhymney (Mr. Havard). We saw at first hand the huge efforts made by voluntary organisations in helping young, vulnerable families, many living in poverty, to get some of the stability that the hon. Member for South-West Devon (Mr. Streeter) mentioned. It is important to recognise that this Government and the Government in Wales have worked very closely with the voluntary sector, and that tackling the lack of stability in some families is something that the voluntary sector does extremely well. One of the main reasons why it can do so is that voluntary sector groups can get closer to the families than statutory agencies can. It is well recognised, including by the statutory agencies, that that is one of the strengths of the voluntary sector. It can be more innovative and can work with less threat to the families. That work is going on, and it has been encouraged by the Government. Tackling the lack of stability that we know exists in many vulnerable families has been a big plank of the Government's programme throughout the UK and certainly in Wales.

One of the interesting things that the all-party group found was that this group of young families—mainly young mothers with children—felt that one of the barriers that brought them into poverty was the lack of affordable transport in their area. That illustrates the fact that the debate about poverty is multifaceted. We cannot restrict it to one particular area, as it covers all areas. The other issue that those families spoke very strongly about was the lack of affordable child care.

Recent reports have suggested that 32 per cent. of children in Wales—192,000 children—live in poverty. We all agree that, as has been said widely here today, for any child to live in poverty is a slur on what we are doing in this country. In addition, Save the Children says that more than one in 10 children live in severe poverty. When we look at the households that those children come from, we can see why they live in poverty. The reasons have all been mentioned today.

The Joseph Rowntree Foundation notes that 60 per cent. of Welsh children who live in poverty live in a workless household and that 40 per cent. live in a lone-parent household. Some 40 per cent. of children who live with a disabled parent are in poverty, compared with 25 per cent. of those whose parents are not disabled. We have already heard about issues concerning children living in households where one of the parents has a disability.

Such figures are not any great surprise, really. Poor children come from households where there are disabled people, from single parent households and from workless households. What are the consequences of this poverty? In Welsh schools with a high number of low-income families, 27 per cent. of children fail to get five GCSEs, as opposed to 5 per cent. in more prosperous areas. The chances of poverty being perpetuated continue. We all know the phenomenon of families where poverty is passed from generation to generation. It is important that we use every means at our disposal to try to tackle that link between one generation and the next. We need to use every means to do that and the targets proposed in the Bill are one such means.

The Bill is certainly not narrow in the way that the Opposition have suggested. We have only to consider clause 8 and the measures involved to see that the Bill is trying to tackle poverty in its widest aspects. By failing to support children from poor backgrounds at an early age, we risk not only building up huge financial bills for the future, but having to live with the disappointment of children who do not fulfil their potential. Children being disappointed, and at a very early age, is one of the saddest situations we can see.

I was very moved by the comments made by my hon. Friend the Member for Regent's Park and Kensington, North (Ms Buck) about children who cannot go to birthday parties because they cannot afford to buy the present and card. When we think about what many of us have done with our own children—about how much it costs to ensure that they have a card and a present, and about the fact that in some schools there may be a party every week, especially if there are 30 children in a class, with the whole class sometimes being invited—we can see what a huge financial burden is involved. It is very distressing to think of a child's being aware, deep down, that they cannot take part in the activities that other children can take part in. That is a huge motivating factor in respect of the strength of the Bill. It is the sort of reason why the Bill is so important.

There are many ways of tackling poverty. Children's inability to take part in some activities can be tackled by trying to make provision more universally available. For example, we can provide free access to swimming and leisure centres. That has been the policy in Wales for under-16s for some time, and I believe that it is being extended to the rest of the UK.

On another important point, it is good that the Government have recognised how important it is to work on child poverty with the devolved countries by developing a strategy and working at a local level, particularly with local authorities. I know that some aspects apply only to England, but I hope that they will also apply to Wales in the future.

Eradicating child poverty by 2020 is a huge aim, which we all support. However, we must also provide increased opportunities by making things more accessible, including mainstream services. The Welsh Assembly Government have their own child poverty strategy and will introduce the Children and Families (Wales) Measure. It is vital that the poverty strategies of the UK and of the devolved bodies are co-ordinated, and that links between them are strong.

Wales has taken particular initiatives to tackle poverty through education, with policies such as Flying Start and Foundation Phase Wales, which is based on the Scandinavian model of children learning to play at an early age. It has been phenomenally successful in the early years of its introduction. Wales has also provided for free breakfast clubs for any school that is happy to introduce them. Again, that will add to the proposals in the Bill. Those initiatives will have long-term benefits in tackling poverty, but obviously we deal with many of the key income-related issues, such as taxation and benefits and welfare-to-work, here in Westminster. It is essential that UK and Welsh policies, and those of other devolved Administrations, together tackle child poverty throughout the UK.

Given that 60 per cent. of children in poverty in Wales are in workless households, work on access and encouragement is essential, and Department for Work and Pensions initiatives are important. The system of providing advisers is excellent and I have had good feedback, particularly from lone parents who have been helped by the lone parent advisers. We must always remember that such work has to be accompanied by adequate, affordable child care and good public transport. The Government have made many strides in child care, but a shortage of provision remains—certainly in Wales, although the Flying Start initiative is helping to move things along. I cannot yet say that there is universal affordable child care. Like the Government, I see work as the way out of poverty, but to give everybody work opportunities, we must make proper child care provision.

Flexibility is also important. Work must be flexible so that parents and children benefit from being with each other as well as having the income that work provides. Above all, benefits and allowances should encourage, not discourage parents' employment.

Child poverty must therefore be tackled in many different ways, and it is great that the UK strategy, as described in clause 8, ensures that the Secretary of State must promote employment, financial support, health, education and social services, housing and social inclusion. That gives the lie to the Opposition's comments.

Mr. Graham Stuart: Those are just warm words in clause 8. They are not a strategy. The Bill simply states that we must have good education and good conditions; it covers a variety of matters, but in no way adds up to a strategy. Indeed, the Joseph Rowntree Foundation has said that the policy on fighting poverty for the past 10 years is now exhausted. We need a new one, but it is not in the Bill.

Julie Morgan: I thank the hon. Gentleman for his intervention, but I think that the Bill amounts to much more than targets.

Ms Buck: The Joseph Rowntree Foundation's critique of the poverty strategy is that its heavy dependence on work incentives, driven through the tax credits system, is not sufficient to enable the Government to reach the child poverty targets. That dependence is necessary but insufficient, so the critique means almost the opposite of what the hon. Member for Beverley and Holderness (Mr. Stuart) implies.

Julie Morgan: I agree, and I thank my hon. Friend for her contribution.

I strongly welcome the child poverty commission and was surprised that the Opposition criticised it. The commission is important because it will unite the whole UK in planning a strategy. It is important that the three devolved Administrations appoint members and that they are closely bound to it. The commission should operate as independently as possible. Some charities have suggested that it should be able to commission its own research. I hope that the Financial Secretary will comment on that when he replies to the debate.

Ending child poverty must mean ending poverty for every child in the UK, but some of our strategies do not reach every child. For example, in Wales, some strategies are based on locality, yet very poor children may live in more prosperous areas. I want to refer to two disadvantaged groups, which have already been mentioned in the debate. The first is the Gypsy and Traveller community, for whom there is not enough accommodation to bring up all children safely and healthily. The health statistics for Gypsy mothers and children are shocking. I want to ensure that any debate about child poverty and any targets will include children from that disadvantaged background. The second group is asylum seeker children, who are treated differently from other children in this country. They are very disadvantaged in many ways—for example, in income and access to services. Every child is a child, and I hope that any poverty strategies that arise from the Bill will take account of those two disadvantaged groups.

6.56 pm

John Howell (Henley) (Con): I echo what has been said about the importance of this subject, and the need to tackle child poverty, but I have concerns about the approach in the Bill. I shall start with the implications for local government. The Bill lays a duty on local government to devise a local strategy to reduce or mitigate child poverty. My first disappointment is that although that hints at wider definitions of child poverty in broader socio-economic terms, when one follows through its logic, it clearly boils down to the same income-related criteria as in the rest of the measure.

My second disappointment is that the approach to local government is typical of the Government's treatment of that sector in the past 12 years. This is yet another example of local government being Whitehall's delivery arm, and of much of the initiative being taken away. We should not do that, because local councils' ability to tackle child poverty more broadly gives initiatives local colour.

My county council fully understands what it means to break the cycle of deprivation, and what that cycle is. It is prepared to deal with a combination of linked factors, including employment, poor skills, low income,

[John Howell]

poor housing, crime, poor health and poor access to services. It is already doing that in partnership with the county voluntary sector development partnership, the children and young people partnership, the health and well-being partnership, the county safer communities partnership, the economy partnership, the environment partnership and the district local strategic partnership. What added value does the Bill give to the positive work that is already happening?

Is there not a risk that the Bill could divert attention from the carefully worked-out strategies that have already been put in place with other organisations to meet Government targets? Many hon. Members may, like me this morning, have received a brochure in the post illustrating a range of local government activity in connection with child support. It shows that not only is my county council taking a lead in seriously tackling the problem, but that there are examples throughout the country of councils of all colours that have already accepted that as a duty.

The one-dimensional approach to local government is now beyond a joke. It boils down to, "If in doubt, lay another prescriptive duty on local government." It is an extremely cynical approach, because ultimately it puts the duty on others, so that if it fails, it is not the Government's fault. Local government does not need more centrally driven strategies, assessments, detailed regulation and guidance from the Secretary of State. It is not surprising that one of the biggest factors prompting local councillors to stand down at the last county council elections was that they felt that responsibility and accountability for shaping their own environment had been taken away from them.

The Bill gives no idea about how the changes will be resourced. I am extremely worried about its mention of the possibility of creating pooled budgets, because that rather suggests to me that it is simply about recycling existing money. We have to ask what will have to go from the strategies already in place, because local government money is finite, and decreasing.

My own council's opinion is that the Bill will mean a huge realignment of funding and services and a change to orientation on a geographical basis, with a move away from what it is currently doing. I believe that there is a much better way, which would genuinely bring out the benefits of localism and move away from Government-imposed targets and directives. There is no real sense in the Bill of partnership between local and central Government, because ultimately there is no partnership between the two, and there has been very little for the past 12 years. We are a million miles away from the type of compact with local government that hon. Members from north of the border say the Scottish Government have.

John Mason *indicated assent.*

John Howell: The hon. Gentleman nods, and I well remember his comments on this subject in the Committee on the Equality Bill, on which we both served.

We can see from the list of partnerships that I read out, each of which has its own strategy, that we now have strategy overload. As my hon. Friend the Member for South-West Devon (Mr. Streeter) said, the Bill sets out a bureaucratic model—but a model that contains no real idea of sustainability. I dread announcements being made about pilots when a Bill is introduced, because the usual approach is short-term pilots with over-investment followed by long-term under-investment in the roll-out, so that expectations are dashed.

I am not the only one who sees the importance of the shift that is taking place. Barnardo's admits that the Bill

"shifts significant responsibility for the eradication of child poverty onto local authorities and their partners."

It is concerned that in the absence of additional resources from Government, the ability to drive progress will be limited. Concern has also been expressed by the Child Poverty Action Group that there is no idea of how the Bill will work in practice. It, too, asks what will have to be dropped from existing strategies in order to deliver the changes.

The Bill represents the wrong way of working with local government, and it echoes what we came across in debates on the Equality Bill. In the fifth sitting of the Public Bill Committee, on 11 June, my hon. Friend the Member for Forest of Dean (Mr. Harper) said:

"if we put responsibilities on a range of authorities...we must think about not only the duties that we are placing on them, but the resources that we grant them. If we place a lot of responsibilities on public authorities without the concomitant resources, we may be setting up not only Ministers, but that significant list of authorities, to fail."

We argued that direct interference from central Government in defining what should go into sustainable community strategies, around which that Bill was based, was wrong. My hon. Friend said:

"It is for electors to make decisions when they elect different members of those authorities and it is for those authorities to make the decisions in debate, weighing up all the factors concerned. It is proper for that to be done at that level and not for Ministers to seek to put duties on them."—[*Official Report, Equality Public Bill Committee,* 11 June 2009; c. 127.]

I urge Ministers to acknowledge the good work of many local authorities across the country and embrace a broader-based partnership approach to them. I urge them to back off from central Government planning and let local authorities choose the indicators and targets most appropriate to their own area when they produce their strategies.

I also have a couple of comments about targets. The Bill seems to be an admission of failure, as we have already heard that by 2010 we will be 600,000 short of the target. The Financial Secretary is a man who likes to put a good spin on things, and I notice that he has talked about the glass being half full, or indeed two-thirds full, when it is really a third empty. That spin undermines the effect of the target. In the Select Committee proceedings that have been referred to, he admitted, in answer to question 3,

"given current economic circumstances, that it will now be hard to meet the 2010 target on time".

That is true, but it is interesting that he went on to say that nobody could have foreseen

"the scale of the current economic crisis".

That is believable only of someone who was blinded by the myth that they had abolished boom and bust.

I felt excited when I saw the aim in the Bill of ensuring

"that children...do not experience socio-economic disadvantage",

because it could widen the scope of the Bill to encompass a range of non-income factors, which a number of hon. Members have mentioned. That hope was dashed by the fact that the only measurable things in the Bill are income targets. That distorts the policy agenda hugely, detracting from factors such as education, social work, good parenting and others that have been mentioned. It is a one-dimensional approach. If there is a legislative target for income and not for other factors, there is surely likely to be a bias in the allocation of scarce resources. That, too, echoes debates on the Equality Bill, which followed the same line on socio-economic duty and the concept of disadvantage.

There are some anomalies in the calculation of income. The targets in the Bill all relate to the income of qualifying households, rather than to the income of children. The modified OECD equivalence scale that the Government currently use, which has been mentioned, allocates a weight of 0.67 to a household's first adult, before housing cost income, a weight of 0.33 to subsequent adults and children of 14 and over, and a weight of 0.2 to children under 14. If the Government transfer income to a household of two parents and a young child in pursuit of their targets, 83 per cent. of the income transferred is therefore assumed to be spent by, and for the benefit of, the parents. Only 17 per cent. is assumed to be spent on the child.

Such a transfer may be the only way of helping the child, and I am not criticising that method of approaching child poverty, but we need to be clear about who the chief beneficiaries of the targets will be. In reporting on what has been done for such households, the Government should simultaneously report on what has happened to poverty elsewhere, even if they do not have targets for it.

Conventional income measures ignore income in kind, such as the provision of free education and health care, and the effect of indirect taxes. However, as we have heard, they include disability living allowance, even though that is arguably provided to accommodate the extra costs of disability and should not be counted as income. There is a great need to increase the take-up of benefits and to simplify the whole system. Both those matters were brought up in discussions with the Financial Secretary in the Work and Pensions Committee.

Comparisons have been made with the Climate Change Act 2008. I shall not go into the merits of that Act, but there are two reasons why the procedure of setting long-term targets was more appropriate in that case. There was a need to provide long-term certainty about the British Government's intentions, to encourage private sector development of costly technology and to strengthen the UK's position in international negotiations. By contrast, this Bill merely defines a framework for Government reference. Whereas the Climate Change Act included new powers to help achieve the targets set out—on emissions trading schemes, biofuels and household waste, for instance—this Bill contains no new powers other than those affecting internal Government processes.

My right hon. Friend the Member for Maidenhead (Mrs. May) was being generous when she suggested her new title for the Bill. If the title really reflected the contents, it would be "A Bill to set targets relating to the eradication of poverty in households with children, and to make other provisions about child poverty." That would be a far more accurate title, even if it tripped off the tongue less easily; it reflects the bureaucratic nature of the Bill. The problem is multifaceted; it needs a multifaceted solution, and the flexibility to ensure that we can make a real difference to the lives of children in poverty in this country.

7.10 pm

Mark Durkan (Foyle) (SDLP): I support the Bill. As a number of hon. Members have said, child poverty should concentrate all minds in the House, and more widely in politics. To their credit, the Government have, down the years, successfully addressed child poverty through a number of measures, both budgetary and other. It is appropriate that they see fit to try to reinforce further their commitment on child poverty through appropriate legislation, so I welcome the Bill.

Unfortunately, I do not completely welcome the tone taken by the Secretary of State in opening the debate. An issue of such worth should not be the subject of as partisan an excursion as the one to which we were treated. Child poverty is a serious and compelling issue, and cutting the debate down to the goading and needling of the Opposition is unworthy of the purposes claimed for the Bill.

Like other Members, I am interested in a number of the issues provided for in the Bill. However, unlike some of them, I would like the Bill to go further, and I shall give an example. Several Members have referred to the importance of the child poverty commission. The hon. Member for Cardiff, North (Julie Morgan) talked about the commission ensuring that there was a combined UK strategy, but I am not sure that the provisions in the Bill will allow the commission to do that adequately. Clause 7 sets up the commission. It is significant that three of its six subsections, taking up four lines, deal with setting it up; the other three subsections, covering 11 lines, deal with the possibility of the Secretary of State winding it up. Provisions elsewhere in the Bill require Ministers in Northern Ireland, Scotland and Wales to have a role in appointing people to the commission, and in providing advice and contributions, but there seems to be no provision for them to have any role in relation to any determination by a Secretary of State to wind the commission up, which seems rather strange.

Under clause 9 subsections (1) and (2), the commission is to provide advice at the request of the Secretary of State, and according to a timetable set by the Secretary of State. In subsequent subsections of that clause, we are told that the Secretary of State will

"consult such children, or organisations working with or representing children, as the Secretary of State thinks fit".

I hope that the Government will clarify whether they foresee the commission being able to engage in such contact and consideration; that would meet the point that hon. Members made earlier about the need for the commission to recognise the worth of advice, and the relevance of the role of a number of charities and voluntary organisations, and some faith-based groups.

I hope that the Government will clarify, in the winding-up speech tonight and certainly in Committee and on Report, whether the provisions that address aspects of devolved responsibility will be fine-tuned, so that we end up with strategies that are compatible, complementary and coherent. At the moment, there are provisions in

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clauses 10 and 11 on the Scottish and Northern Ireland strategies respectively. Clause 11 says that strategies in Northern Ireland

"may not include proposals that relate to excepted or reserved matters, within the meaning of the Northern Ireland Act 1998."

Clause 10 contains a similar provision relating to the relevant Scottish Act. I can understand what is meant, but we need to ensure that strategies produced by the devolved authorities can make proper and appropriate reference to UK Government measures and relevant initiatives. In quite a number of policy areas, we are in a twilight zone between devolved responsibility and reserved or excepted matters.

Clause 8(5) says:

"In preparing a UK strategy, the Secretary of State must consider what (if any) measures ought to be taken in each of the following areas—

(a) the promotion and facilitation of the employment of parents or of the development of the skills of parents,

(b) the provision of financial support for children and parents,

(c) health, education and social services, and

(d) housing, the built or natural environment and the promotion of social inclusion."

In each of those areas, we can identify where there are clear devolved remits, but we can also identify where there are significant UK Government influences, contexts and parameters. In a sense, if we are honest, there are a number of matters that are nominally in the area of devolved responsibility, but on which the devolved Assembly in Northern Ireland is basically engaged in making karaoke legislation. The Assembly often has to frame its legislation according to limits, constraints and frameworks determined here in Westminster and Whitehall. We need to ensure that the Bill does not unduly cramp the style of the devolved authorities or their initiative in coming forward with realistic relevant strategies honestly set in the context in which Administrations and societies finds themselves.

As well as the numerous references in the Bill to the role of the devolved authorities, there are, as a number of hon. Members have said, significant references to local authorities, specifically in England and Wales. In Northern Ireland there is change in local government; the new councils there will have some responsibilities for community planning and general well-being. Obviously, I hope that the omission of any reference to local government in Northern Ireland does not mean that local councils in Northern Ireland will be precluded, under the legislation, from making contributions to the task of eradicating child poverty.

It is significant that while there are copious references to local authorities and various partnerships that might be involved, and while there are many references to devolved authorities, the only references to Whitehall are to the Secretary of State—and, it seems, to just the one Secretary of State. We are left with the question: will this legislation be binding everywhere in the country, except across Whitehall? The hon. Member for Copeland (Mr. Reed) made the point that men and women in Whitehall do not experience or meet child poverty every day, but they very much set the context in which child poverty exists and continues, and where it can be alleviated and, hopefully, eradicated.

Clause 8(5) refers to the UK strategy and to what the Secretary of State must consider; again, it is the Secretary of State who is to consider the measures. The provisions do not, as hon. Members have suggested, bind the Cabinet or Cabinet Sub-Committees to addressing that range of measures.

Mr. Graham Stuart: I wonder whether the hon. Gentleman is as confused as I am by the Bill. My understanding was that the Secretary of State for Children, Schools and Families headed up the whole area of children, and that he—or possibly she, in future—would co-ordinate such matters, yet the Secretary of State for Work and Pensions is leading on the Bill. That perhaps suggests that the approach will not be as holistic as one might have hoped.

Mark Durkan: I accept the hon. Gentleman's point. The question arises: under the Bill, where does the Secretary of State's responsibility lie, not just in the Government's intention, but in the intention of any future Government? That is an issue against which we have to test the worth and strength of the Bill.

If we are to get the coherent, joined-up approach that Ministers are clearly saying that they want to achieve, the Bill will need tweaking and fine-tuning in a number of respects. It is significant that many of this Government's achievements on child poverty relate strongly to budgetary measures that were taken in various Budgets and through the Treasury. It is also significant that, while the Bill requires an annual statement to be made by the Secretary of State, it contains no obligation for Budgets or comprehensive spending reviews directly and specifically to address the issue of child poverty.

It should be noted that, just this year, the Treasury Select Committee regretted the fact that neither the pre-Budget report last autumn nor the Budget statement this year specifically addressed the issue of child poverty. The Committee noted that that was a significant omission, even allowing for all the other pressures and distractions that exist. Before we can convince ourselves that we are passing a Bill that will actually mean something in terms of committing the Government and this House to eradicating child poverty, we must acknowledge that the Bill is silent on the matter of budgetary statements. The Chancellor of the Exchequer is obliged to produce many statements and reports on many issues that set out many different factors and assumptions, and it seems odd that we should pass a Child Poverty Bill that would allow a Chancellor to produce significant Budget statements without at least addressing issues of child poverty and identifying the terms and assumptions involved.

Ms Keeble: As a member of the Treasury Select Committee, may I say that although no specific measures were announced in the most recent statement, one of the most significant measures to tackle child poverty—which is about increasing housing benefit and council tax benefit—will come into effect this autumn, and that it was pre-announced quite some time ago?

Mark Durkan: I fully accept that point. Nevertheless, the Treasury Committee clearly lamented the fact that there were no references to child poverty in the pre-Budget report or the Budget statement. I shall not read out the entire quote from the Committee, but it called on the Government to address that matter in the future.

The proposal to eradicate child poverty raises the question of what we mean by eradication. Other hon. Members have already said that the Government have set a target that seems to suggest that a poverty rate of anything below one in 10 could count as eradication. Such a percentage in this House would equate to 64 Members, but I see an Opposition party here with more than 60 Members that does not regard itself as eradicated. Under 10 per cent. hardly counts as eradication.

Regrettably, that proposal is an example of the Government and the Department for Work and Pensions resiling from an understanding that they gave in 2003 on eradicating child poverty. Their document, "Measuring Child Poverty" stated:

"Success in eradicating poverty could, then, be interpreted as having a material deprivation child poverty rate that approached zero and being among the best in Europe on relative low incomes".

However, what we are legislating for here falls short of that standard set by the DWP, and I hope that the Department and the Government will return to the prospectus that they were offering in 2003. I hope that the Bill can be improved as it continues its passage through the House.

Another way in which we could usefully improve people's understanding of the purpose of the Bill is to show real parliamentary intent. At a time when the reputation of Parliament is pretty low and when politics is not held in the highest esteem, if we are going to legislate on child poverty, let us set down the clear principles that we as a Parliament want to address. The commission envisaged in the Bill will clearly have an important role, as will the Secretary of State, in providing reports to Parliament, but perhaps we in this House—or a Joint Committee of both Houses of Parliament—should actively monitor the progress of the provisions. We should be tracking and backing the targets, and testing them, rather than simply waiting to pounce on the annual reports from the Secretary of State.

Perhaps such a Committee could follow the style of the Joint Committee on Human Rights—not meeting as often as a regular Select Committee—in probing and testing some of these issues. That could include highlighting good practice, because we shall be imposing a number of obligations on central and local government, and on devolved Government. If we are obliging them to report, we, as the Parliament that created the legislation, should at least pick up the information in order to establish best practice and to reinforce and support the people who are delivering on the targets.

Mr. Graham Stuart: I wonder whether the public would have more confidence in the measures if the commission were to report to Parliament rather than to the Secretary of State. Perhaps the Select Committee could play a role in the appointment of the chairman of the commission. If Parliament were to hold the Secretary of State to account, people might have more faith that the outcomes could be achieved.

Mark Durkan: I fully accept the hon. Gentleman's point, which reinforces the one that I was making. People would value Parliament making serious commitments about what it was going to undertake, rather than our imposing what appear to be obligations on central Government that leave a lot of room for central Government to pass them down to others while abdicating from them themselves.

Clause 15 gives serious cause for concern in relation to a future Government being able to avoid some of the requirements in the Bill. Its provisions on economic and fiscal circumstances could be played like a joker by any future Government who wanted to say, "No, there are measures that we cannot consider because the prevailing economic and fiscal circumstances mean that we cannot proceed or act on child poverty." People will not accept such excuses and slippage. They will identify such slippage as slipperiness. If they see us building a get-out clause into the Bill, they will think that it can be cited, by virtue of other prevailing circumstances, as a way by which the provisions will not make as robust a commitment to eradicating child poverty as they need to.

I support the commitment to eradicating child poverty by 2020. In Ireland, however, my party has strongly argued that 2016—the 100th anniversary of the proclamation of Irish independence and of the Republic, which set out the key element of cherishing all the children of the nation equally—should have been the date by which we should have eradicated child poverty there. Obviously that has not happened, however. This Government have made huge strides on this issue. Yes, there have been some blips and slips in recent years, and we understand the circumstances involved, but we welcome the fact that the Government are showing the resolve and determination to legislate for this. I hope, however, that they will recognise that the Bill can, and must, be improved as it proceeds.

7.28 pm

John Barrett (Edinburgh, West) (LD): It is a great pleasure to follow the hon. Member for Foyle (Mark Durkan). He said that this should not be a partisan debate. Apart from some of the usual political banter earlier in the day, I think that Members on both sides of the House have treated this as a serious issue on which we want to move forward. Unfortunately, however, the Bill is very much about setting targets rather than delivering an end to child poverty.

A few Members have talked about the great progress that has already been made, but we are where we are, and, in regard to where we stand in Europe, that is not a great place to be. My hon. Friend the Member for Northavon (Steve Webb) mentioned that child poverty rates in the UK were below those of Poland, Italy and Romania. I do not have his encyclopaedic knowledge—which he gained from working for the Institute for Fiscal Studies for nine years—but I think that it is worth putting on record which European countries we are behind in this regard. We are behind Denmark, Finland, Norway, Sweden, Cyprus, Iceland, Slovenia, Germany, the Netherlands, Austria, France, the Czech Republic, Slovakia, Belgium, Estonia, Malta, Hungary, Ireland, Latvia, Luxembourg, Portugal, Lithuania, Greece and Spain. So, when people say that we have made great strides in years gone by, we must remember that we are still not where we want to be.

I see pockets of poverty in my constituency, which is generally viewed, like those of many other Members, as a relatively wealthy one. It is sad to say that in my eight years as a Member, nobody has ever come to my surgery to ask about child poverty. People come along to say that they have problems with their benefits, tax credits or whatever, but nobody has told me, "You must deal with the issues of child poverty". It is the same

[John Barrett]

with housing problems in that very few come along to say, "Housing is a major problem and we want to see Parliament do something to sort out the wider problem."

As I have said, the Bill deals with targets, but there is a great shortage of specific detail and no specific strategy. As the hon. Member for South-West Devon (Mr. Streeter) said, it is very easy to set targets for issues such as the millennium development goals. We all heard pledges made when the G8 met at Gleneagles a number of years ago. Earlier this year, the G8 met again in Italy and some of those who had made significant pledges at Gleneagles were there calling for action to happen, but those very same people had not delivered on their own pledges. We must expect promises to be kept generally, but for those suffering from poverty, those promises can be the very heart of their lives.

People often say that it is not just a question of money or cash in pockets, as there are many other aspects to living in poverty. One particular issue that I want to highlight today is that Government targets on child poverty will never be achieved without a specific focus on disability. I am going to come back to that. There are a wide range of issues involved, but I shall try not to repeat those previously mentioned.

As a number of Members have said, education also has a key role in pulling people out of poverty. There are two spirals that work with education—an upward and a downward spiral. People who have good jobs and a good income often see their children having a good education. Those children will come out of school, secure a good job and carry on in that upward spiral. At the same time, the children who grow up in poverty often suffer from a poorer education; they will end up in lower-paid jobs and the downward spiral will continue for them.

Although we have legislation before us—I welcome the fact of this Bill—it will not end child poverty. I accept that some Members care less than others about poverty, but I would like to think that everybody cared about poverty, even though they might not have suffered from it themselves. I do not believe that someone has to rob a bank to know that doing so is wrong. Equally, we do not have to be poor in order to feel the pain of those who are living in deep poverty.

We see in our surgeries how issues have developed over the years. On the good side, child poverty will be at the heart of every party's manifesto in the run-up to the next general election, which is 12 months away. We have moved on, because child poverty did not merit a mention at all in the Labour party's 1997 manifesto. It was a couple of years later before child poverty came up on the agenda and targets were set, only some of which have been met. The Government have achieved some positive things—tax credits, for example, but there are both good and bad sides to them. There have been errors and reclaims that have caused great confusion.

Even worse for people, we are now in a recession, with increasing unemployment. Although the Secretary of State announced today a further £10 million to tackle poverty, we have seen tens of billions of pounds pumped into the banking system to ensure that it can carry on working. As we heard in an announcement last week, several thousand bankers received bonuses in excess of £500,000 each, at the same time as many people in the UK were living on the breadline. There is no lack of wealth in this country: if only we could get it right—whether it be through legislation, education, employment, transport, housing or a whole range of other issues—we could tackle the poverty that still exists in too many pockets of the UK.

A number of provisions in the Bill detail the role of local authorities and devolved Governments and Assemblies. I shall raise one issue, on which I expect the hon. Member for Glasgow, East (John Mason) to strike back. Problems can be identified at the UK level, as they were some years ago when the UK Government specified that about £300 million needed to be spent in support of disabled children. That went through the Barnett formula, but when £34 million went to the Scottish Government, the money was not spent on that purpose. It was spent on other issues, not on the specific need identified by the UK Government. It is the same with child poverty. There are clear issues that run UK-wide, but when responsibilities are passed to local authorities, Governments and Assemblies, it is sometimes a case of passing the buck, while at other times those bodies just do not deliver. I believe that the responsibility lies at the UK level to see that child poverty is tackled at the UK level.

I am now going to focus specifically on child poverty in relation to disability. Unless the Bill is disabled-aware, the significant costs associated with living with a disabled child for families and parents who are sometimes themselves disabled will not be understood. So many factors work together that result in children ending up in poverty. It is well known that those who are disabled are less likely to be in work, but more likely to want to work, than their able-bodied counterparts. A household with disabled children will end up with higher weekly running costs—often higher transport costs, sometimes higher food costs because of specific diets that are required and a whole range of other costs. At the same time, however, their income is likely to be lower.

A few facts are worth reading into the record. One in three of all children living in poverty have at least one disabled parent. A family with one disabled parent is 30 per cent. more likely to be in poverty, and 700,000 children with a disabled parent are living in poverty. Families with disabled children are more than 50 per cent. more likely to be in debt, while 16 per cent. of mothers with disabled children work in comparison with 62 per cent. of mothers with non-disabled children.

As my hon. Friend the Member for Northavon said, there is often a real disparity when extra income or benefits are taken into account. Those increases do not result in those families being better off; they are simply there to deal with the increased costs that the families have to deal with. The Government often respond by saying that they target means-tested benefits to those who are the poorest of the poor, but the poorest of the poor are not necessarily those entitled to and receiving benefits. The real poorest of the poor—this is where poverty is a real problem—are those who are entitled to, but do not receive, those benefits. As I said to the Secretary of State earlier, £10 billion of means-tested benefits went unclaimed this year.

Mr. Graham Stuart: The hon. Gentleman is making a powerful speech. May I recommend to him "Empowering Society", which was launched today by the Conservative

disability group? Its first key idea is that we need to bring in a single assessment for people with disabilities to enable them to access benefits. These people are often sent from pillar to post under the current system and they often end up compromising for the sake of speed—with a reduction in their benefits. What we need to do is radically change that system so that disabled people can get the support they deserve.

John Barrett: I take the hon. Gentleman's point. We often hear, particularly from parents with disabled children, that it is an onerous enough task just to deal with the child and the disability, as it involves dealing with mental anguish as well as the physical disability. Having a disabled child can be the catalyst for family breakdown, which often leads to further social problems. To follow up the hon. Gentleman's point, parents then have to spend hours and hours going from helpline to helpline and from Government Departments to local authority departments and social services, while at the same time having to deal with doctor and hospital appointments. One thing I did to help with this problem at the constituency level was to put together a pack of information for parents of disabled children. The idea was that in their quiet moments, perhaps between their doctor and hospital appointments, they could see at a glance all the help and support that was available to them. Under the current system, whatever the Government's failings, a lot of help and support is available, but people often do not know how to access it, or do not even know it exists. The point is therefore valid, and is not a party political one: all parties in the House would like benefits and support to be received by those who need them most.

I will put a couple more statistics on the record: parents who have a disabled child are two and a half times more likely not to work more than 16 hours a week; and 10 per cent. of families with disabled children care for more than one disabled child. Although I welcome the Bill, and I leave the exploration of the fine details to the encyclopaedic mind of my hon. Friend the Member for Northavon, Members on both sides of the House can work together in Committee to improve the legislation. In 2009, child poverty ought to be history. Sadly it is not.

7.41 pm

Ms Sally Keeble (Northampton, North) (Lab): I am pleased to speak on this important Bill. A number of Opposition Members, especially the hon. Member for Henley (John Howell), said that the Bill was an example of interference from central Government, who were constraining and placing more duties on local government. That misses the point of the Bill, as, broadly, it sets out a commitment to end child poverty, with which all Members have said they agree. The Bill sets out some targets—although not enough—to specify poverty, but leaves it to local agencies to deliver strategies to tackle poverty, which is right. Everyone who has worked on poverty understands that it requires local solutions and people and agencies to get into areas of intractable, hard-core poverty, using different strategies to tackle it and considering its specific causes in those areas.

The Bill is well suited to take forward the fight against poverty. Eradicating child poverty is one of the great goals of this Government. I concede that we will miss the 2010 target, which I very much regret, but we should not ignore the progress that has been made. The Bill will move matters forward, tackling not just the financial aspects of poverty, but the other aspects to which Members have referred. I want to focus on some of those other aspects, and make some proposals to strengthen the Bill.

Targeted measures, rather than blanket solutions such as general disbursal through child benefit, are necessary to target intractable, hard-core poverty. By and large, we know which families are most at risk of poverty and where they are. As several Members have said, first, they are the families in which no one works. However, the statistics also highlight the risk factors of lone parenthood, disability, unemployment in two-parent households or marginal employment in two-parent households. Those are the biggest risk factors for children to live in poverty and, according to Every Child Matters, for poor outcomes for children. Poor families can also be identified by the state benefits they receive, especially income support, jobseeker's allowance and housing benefit, with disability benefits a bit further down the scale.

We also know where poor families live, and that has changed over time in an interesting way. In 1970, poor families were most likely to be renting private property, with only a third in social housing. By 2000, the figures were almost exactly reversed, with poor people three times more likely to be social housing tenants. Now, the figures have shifted again. The biggest proportion of poor families are tenants of the state, renting social housing split between council housing and housing association properties. However, the next biggest category of poor people live in owner-occupied housing. The size of that category might increase as a result of the current recession, and the Government might need policy instruments to tackle it.

Steve Webb: The hon. Lady refers to the important role of housing in poverty. She will know that the definition in the Bill explicitly does not take account of housing costs. Given that housing costs might partly reflect quality, but also real inflation, which would in turn affect real living standards, is it not at least a concern that such costs are wholly excluded?

Ms Keeble: I was about to refer to that issue, because housing is one of my main concerns. Before housing costs, 19 per cent. of children live in poverty, but after housing costs that figure rises to 27 per cent. My hon. Friend the Member for Regent's Park and Kensington, North (Ms Buck) referred to London, and my right hon. Friend the Financial Secretary to the Treasury will be interested in the figures, as his constituency is also in inner London: after housing costs, 44 per cent. of children in London are in poverty, but before housing costs that figure is about 27 per cent., which is in line with other parts of the country. High housing costs, especially in London, cause poverty. The cost of housing is a significant factor in the poverty of families. Therefore, by increasing housing benefit this autumn, the Government are putting money in exactly the right place. However, they might also have to look closely at the impact of the cost of home ownership on low-income families and on child poverty as a result of the recession.

The poor are also likely to be in bad-quality, overcrowded housing. According to Shelter, 1 million children are in overcrowded housing, and many more live in homes that are below the decency standard. In my constituency,

[Ms Keeble]

the number of council properties that fall below the decency standard has risen from 2,698 in 2006 to 4,623 in 2008—an increase from 21 to 37 per cent. That does not take into account the problems with families who are squeezed into unsatisfactory privately rented property, or who struggle to maintain low-cost private ownership. I shall set out proposals to strengthen the Bill with regard to housing.

The Bill also needs to be strengthened in relation to crime, as the right hon. Member for Maidenhead (Mrs. May) suggested. The link between vulnerability and crime is clearly demonstrated in the report by the Prison Reform Trust setting out the proportion of children and young people in custody who have been affected by family breakdown, special needs and poor educational achievement. The Government are studying the origins of that vicious circle in the early years of young people who become offenders, for whom outcomes are disproportionately in poverty. Although the Bill refers to police authorities and youth offending teams as partner authorities, it does not give specific attention to issues in relation to the criminal justice system and poverty, and the implications for child poverty. I would have expected such attention to be given in clause 8 on strategies.

However, it is more important for the Bill to be strengthened in relation to housing. Every Child Matters, in which the Government's children's policy is rooted, recognised homelessness as the second biggest risk factor for children—second only to low income and parental unemployment in determining a child's success in life. Housing authorities were made part of safeguarding arrangements, and protocols were issued for joint working, although those were weakly enforced. Housing is mentioned as a factor in the Bill, but only in passing in relation to strategies. There are no targets for housing and no indication as to what constitutes adequate housing for a child. In the suite of factors constituting material deprivation, only one relates to housing, which shows a weakness in the thinking behind the Bill. The one housing question is whether there are enough bedrooms for every child aged 10 years or over and of a different gender to have a room of their own. According to the Government's figures, 27 per cent. of those in the lowest decile say that they want but cannot afford that, although most of the rest—70 per cent.—already have it. Given the figures for overcrowding, that surprises me. I wonder what the response would be if those children were then asked whether they had a room of their own only because their parents slept on the floor in the sitting room.

All the information from every source suggests that inadequate and overcrowded housing plays a major role in the vicious circle that is child poverty. It contributes to poor health—we have seen a 25 per cent. increase in ill health among poorly housed children—and it leads to dysfunctions in families. Homelessness leads to three to four times the number of children with mental health problems. It means that children have nowhere to do their homework. Homeless children miss an estimated quarter of their schooling, and 50 per cent. of young offenders have experienced homelessness.

I believe that, ultimately, the state is not giving children enough rights to proper housing. Families with children can qualify as homeless, but their rights are circumscribed. It has been said that families with children should not be placed in bed-and-breakfast accommodation, but that is only guidance: it does not have the force of law. The standards relating to overcrowding are awful. They were set in 1935, and still provide—except in some pathfinder areas—that two adults, two children and a baby aged under one can be housed in a one-bedroom flat.

I am sure that other Members can give examples from their constituencies, but I want to give three particularly bad examples from my area, which illustrate the need for housing safeguards for poor families. One of the worst that I have encountered involves a young family. Both parents are unemployed, and the mother has only just turned 21. They live in a small first-floor two-bedroom flat with four children, the eldest just three years old and the youngest newborn. The parents have had a difficult time given their involvement with the criminal justice system, depression, poor health and confusion over their benefits, which resulted in their living on child benefit for about four months before the birth of their fourth baby. A council official who visited after I complained about the family's overcrowding said that there was no problem, because two of the children could sleep in the combined living room and kitchen. Given the safety risks involved in leaving two small children all night in a room with all those household appliances, that was extraordinary.

The other example involved a grandmother, mother and six children living in a four-bedroom house. They complained that the house was crowded, and that fixtures and fittings were breaking. When I arrived there, I discovered that the grandmother had one small bedroom, the mother had another, the three boys shared one bedroom, and the three girls shared another. The real problem was that the eldest boy was autistic. That returns us to the disability issue. I hope the hon. Member for Northavon (Steve Webb) agrees that we should pay attention to conditions involving behavioural as well as physical disabilities. The boy crashed around the house a lot, breaking fixtures including all the doors. More to the point, he spent most of his time pacing up and down the family's only living room.

One of the material deprivation indicators listed in the Bill is that children are not able to have friends around for tea or a snack once a fortnight. According to the Government, even as many as 61 per cent. of children in the lowest family-income quintile are able to do that. Children can be very cruel about special needs. How on earth could a child feel confident about bringing a friend home from school to tea if an autistic older brother was pacing up and down the family's only living room, and if the child had to share a bedroom with two siblings? How could a child get homework done, or enjoy any peace or privacy?

A third and perhaps even more shocking case is that of a 19-year-old woman looking after her two young nephews and niece after the children's mother—her sister, a drug addict—had abandoned them. The three children and their aunt, along with the children's dog, were living in a one-bedroom flat. This remarkable young woman said that what really caused her problems was the inappropriate behaviour of the girl because of what she had been exposed to, and that the boy had also been exposed to behaviour that was completely unsuitable for such a young child. The fact that they were short of

money was, in a sense, the least of the children's worries. There is poverty in kind as well as in cash. A number of Members have made that point, although I feel that specific targets should be set in the Bill.

I shall table amendments on the subject of housing. I shall propose a target for clause 3 that, ideally, would be radical, demanding that there should be no bed-and-breakfast provision for children, that all children should have rooms of their own and that every child should have a home with central heating and access to a safe outdoor play area; but that might be too much to ask.

Perhaps a more reasonable target is that every family with at least one child normally living with them should have a living room—a room that does not count as a bedroom, but in which the family can live and watch television, the children can do their homework, and there is enough space for a table around which they can sit and have a meal together. Another requirement would be that the spatial needs of children with special needs—this raises another point made by the hon. Gentleman—including behavioural difficulties, should be taken into account in the assessment of families' housing needs. If a child has behavioural difficulties, the lives of its siblings should not be turned upside down because of a lack of space in which to cater for its needs. Every child should have housing of a decent standard. As I have said, in Northampton 37.7 per cent. of council housing is not decent.

One of my predecessors, Margaret Bondfield, who was Member of Parliament for Northampton in 1923, campaigned on women's employment and child poverty issues. The Government's target is to end child poverty by 2020, which, unfortunately, is 100 years too late for my predecessor. With or without the improvements that I have suggested, however, the Bill will make a big contribution to—at long last—the achievement of her goal, and I thoroughly support it.

7.56 pm

Mr. Dai Davies (Blaenau Gwent) (Ind): Like many others who have spoken, I welcome the Bill and the continuing forecast for the eradication of child poverty.

Let me touch on a few issues that, although they have already been raised, I consider to be important enough to mention again. First, there is the poverty of love. We have heard about the importance of marriage and families and about marriage break-up and its effect on children, but one of the major issues that I regularly encounter in my constituency is that of families who experience antisocial behaviour problems with their children. Such families need one-to-one assistance—focused help—but at present local authorities are finding it difficult to provide it. We have heard about the poverty of health, and, from the hon. Member for Northampton, North (Ms Keeble), about poor housing, which is a huge problem in my constituency. It is a former mining constituency containing many terraced houses, and the loss of housing grants and inability to make repayments is a major problem.

Disability has been mentioned, and another health issue, affecting both children and their parents, is that of mental health. There is huge pressure on children nowadays. There is stress and anxiety, not just in the home but in the community. We tend to take our eye off the ball when it comes to mental health, and I think we should focus on that in the coming months. We have also heard about the poverty of opportunity and ambition, and about the support that we should give children and young people to encourage them to want to get on. It is so easy to fall into the poverty trap, not just in financial terms but in terms of having no ambition and not wanting to change.

When it comes to education, one of the major problems is sex education. We see many parents aged 12 or 13. We have forgotten about the education that is needed in telling children about the problems of having a family at such a young age.

There is another problem on which I think all Departments need to work together. In other Bills, the Government have proposed fining families if children fail to attend school. Which families would that affect the most? It would tend to be those living below the poverty line. We have heard that £15,000 tends to be the average annual income, and that anything below that is seen to be poverty level. In my constituency, a significant number of people live on real incomes of well below £15,000 a year. Although there is a reliance on benefits, the worry is that those benefits can be taken away at any time.

I have another concern about benefits and the benefits structure: where does the money end up? Does it end up benefiting the child? Is it targeted within the family to look after the children? Where is it spent, and how is it spent? Again, it comes back to education and helping families to understand that the money needs to be used in the right way.

Another issue that has not been touched on is the role of grandparents and the wider family. In my constituency, we have a huge problem of children having children and very young people being caught in the family trap. The role of grandparents has been undermined in so many ways. The chances of grandparents to look after the children have been undermined. Their voices need to be heard.

Constituencies such as mine have suffered over the past 30 years from the loss of traditional industries and manufacturing. I urge the Minister to ask the Prime Minister for sight of a report called "The Other Half of Britain" that was produced by the Alliance, which is primarily made up of local authorities from areas of the country that have suffered from the loss of traditional industries and therefore have a huge need for investment. I sent a copy of the report to the Prime Minister some 12 months ago. If he has not got it, I can provide another one.

We heard again about partnership working by the voluntary and statutory sectors, but I worry that in some respects the statutory sector sees the voluntary sector as a threat. Instead of allowing it to do the job it does well, it tends to resent the interference, as it sees it sometimes, from the voluntary sector. There is a huge task to be performed throughout the country in encouraging increased partnership working.

I was pleased, proud and privileged to be part of the "end child poverty" rally that was held in London earlier this year. I was lucky enough to have a number of my constituents alongside me and to be one of the 10,000 people in Trafalgar square. It showed again that the focus on ending child poverty goes much wider than this place.

[Mr. Dai Davies]

The Bill concentrates quite a lot on targets and statistics. I worry about targets and statistics. We can make statistics say anything we like. If targets are not realistic, they work as a disincentive to people to achieve; we need targets that can be achieved. That is a problem with the Bill.

A promise of delivery in terms of ending child poverty is one thing, but just passing a Bill through the House will not achieve that. I am seeing services being cut in my constituency. I urge the Government to take the advice of the latest report from the House of Lords on the Barnett formula. It stated clearly, and so has Lord Barnett, that the formula needs to be reviewed. The Welsh Assembly and the Welsh Assembly Government have carried out their own review, which comes to the same conclusions. The distribution of wealth across the country should have a needs base within it; otherwise areas such as mine will find it very difficult to come out of the difficult times that we are in now and to recover from previous difficult times.

We are losing community facilities. My other worry is that the first things to be cut by a local authority in times of austerity tend to be things that are seen as the flowery bits, the add-ons: community centres; places where young people can meet, be occupied and do things; and youth workers. There needs to be ring-fenced funding from central Government to local government, which must be told "That is what the funding must be spent on", otherwise it will be spent on many other services.

We in Wales were fortunate enough to be the first country in the UK to have a commissioner appointed for children. I know that that idea has now spread across the country. The influence of the commissioner has been significant in making many improvements in our areas. It is wonderful to come up with plans, strategies and initiatives but the problem is that, if the funding is not provided to take them forward, we will lose the plot. Again, to disincentivise people and to communicate things to people and then not deliver is the worse thing one can do. There is a huge difference between consultation and negotiation. If we consult and then fail to deliver, people will walk away.

Over the past 30 or 40 years, we as a nation have struggled to understand the poverty issue not just in terms of children—as we heard earlier, we have struggled to understand it in terms of older people as well. We will be judged on how we provide for our senior citizens and our young people, who are the future of this country and are so important to us.

There is more than enough in this country and the world for people's needs, but as we have seen over recent months, through the bonuses paid to bankers and the financial services collapse, there will never be enough for people's greed. I hope that the Government, through the Bill, will concentrate on those who need help the most.

8.5 pm

Mr. David Drew (Stroud) (Lab/Co-op): I am delighted to take part in this Second Reading debate and it is a pleasure to follow the hon. Member for Blaenau Gwent (Mr. Davies), who clearly has considerable expertise in this area. I would like to make my speech a tribute to someone who has not yet, as far as I know—I was out of the Chamber for a short time—been mentioned in the debate and should be mentioned. That is the late Peter Townsend, who passed away a couple of months ago. Peter was a friend. He was also a constituent in his later years and he was married to Baroness Corston.

If one person has done more than anyone else to raise the issue of child poverty in this country, that person was Peter Townsend. I have a suggestion. It may be an informal one, but I hope that, as a mark of respect to Peter Townsend, the commission will be called the Peter Townsend child poverty commission. I understand that that may be difficult in terms of how these things work but, as many will know, Peter's work led to the setting up of the Child Poverty Action Group and set in motion much of the research work not just in this country but in the third world. He talked about the importance of the social security system in the developing world, where there are so many other issues to deal with—education, health, peace, trying to provide water—and he explained graphically why looking after the most vulnerable in the developing world is so important. I hope that we can apply that epitaph to this country. I am sure that he would be proud that we are legislating in this field now.

I would like to thank the Government. The Bill Committee team has met on a couple of occasions with the all-party group on poverty. I am an officer of that group, which is genuinely all-party. The team met and discussed with us what was in the Bill and what we might like in the Bill. More than anything, it explained the structure and the thinking behind the Bill. Perhaps no one else will mention it, but there are some interesting findings in the consultation that was carried out—I know what others have said about the dirty word that "consultation" has become—and I hope that it will inform the Committee stage. As we take evidence from the various organisations, perhaps we can use that to improve the Bill still further.

I pay credit to the End Child Poverty coalition. This is not the Government's Bill per se, because it is owned by a range of organisations. Although some aspersions have been cast about how the legislation has been approached, it is important to say that there is overwhelming support for the attempt to abolish—if that is the Prime Minister's word—child poverty. I hope that support can genuinely be spread across the House, because it has certainly spread across those organisations.

Several years ago I introduced a ten-minute rule Bill, which looked at anti-poverty measures and how we should target them to try to eradicate poverty in the round. I thought that it was a largely consensual Bill, but it was opposed by the late Eric Forth—not so great in my eyes in this respect. However, I thought that the official Opposition had moved on from their view that poverty did not matter. I was somewhat taken aback by the speech of the right hon. Member for Maidenhead (Mrs. May), which took us back almost to thinking that her party had learned nothing and forgotten nothing, but I was uplifted by the contribution made by the hon. Member for South-West Devon (Mr. Streeter), who is an acknowledged expert in this area. I hope that what he had to say reflects the tenor of the official Opposition's approach to this debate, rather than what we heard from their spokesperson.

I was pleased that the Church of England mentioned in its submission William Temple, whom I consider to be the greatest Archbishop of Canterbury, mainly because he was a Christian socialist—alongside R.H. Tawney. It is, of course, a long-held view of the Christian Church in this country that we must attack poverty, and particularly child poverty.

We must also take into account the issue of the demonstration of poverty. Poverty is, of course, all too apparent in our urban areas and we must bear down on that, but poverty exists in all areas of our society, and rural poverty has not been mentioned very much. I wish this was apocryphal, but I still remember that children who received free school meals were put on a separate table because that was the way it was always done. Although I hope that is now a thing of the past, even the fact that until comparatively recently we used free school meals, and the definition thereof, as a measure of poverty shows how little we have moved on in some respects, because anyone who knows anything about the rural domain will know that the one thing that children, and particularly their parents, will not want recognised is the fact that they are eligible for free school meals. That is indicative of how problematic it is to measure where poverty exists and how we can address it. People will hide from the fact of their poverty. They will live in denial, because they do not want to be faced with the fact that they will be labelled as the poor of the village. We must do something about that.

The analysis by the hon. Member for Northavon (Steve Webb) was, as always, very helpful. We will, no doubt, have an interesting discussion on clause 15 in Committee—perhaps I will be chosen to serve on the Committee—as it is worthy of proper debate. It does look like a get-out-of-jail-free card for the Government. That was countered by my hon. Friend the Member for Regent's Park and Kensington, North (Ms Buck), who rightly said that the point is not the cost of dealing with poverty, but the fact that if we do not deal with it the costs thereof are even greater. I therefore hope the Government will not see this as an opportunity to slide out of their obligations, but will instead look very carefully at whether that is a necessary clause and whether it should be more tightly defined.

I hope the commission will be proactive. It is a nice idea that it will come together four times a year, as has been said, and just look at whether the Government have done what they should have done. To be fair to this Government, they have been on a journey, all the way through the various reports they have brought forward and the work of the No. 10 policy unit and the social exclusion unit. I hope we will see this coming through and coming to fruition with the commission being seen not as a quango but as a very proactive body that engages with the poverty lobby, and that does so to the extent that representatives of those in poverty are a part of it. That is never easy. I and the other members of the all-party group on poverty had a difficult time in addressing how to engage with people in poverty, but not engaging with people in poverty is as unacceptable as paying lip service to that.

As my hon. Friend the Member for Foyle (Mark Durkan) said, it is important that we recognise that it is the responsibility of this place as well as Government to address how we make this legislation accountable. I would like the Government to say that they welcome an annual debate on this issue so we can see the progress that has been made, and I hope that that debate will be subject to some form of affirmation at the end so that we do genuinely test whether progress is being made. Because there are different Departments involved, we have to have a meaningful structure that covers the Department for Work and Pensions, the Department for Children, Schools and Families, the Treasury and the devolved Departments to make sure there is proper joined-up thinking in how we scrutinise what the Government are doing.

Mr. Graham Stuart: As always, the hon. Gentleman is making a thoughtful contribution. Does he think a Select Committee might be a better means of holding the Government to account than an annual debate, even if that were granted—Ministers usually oppose putting that into legislation? Such a debate may not have the same effect as perhaps bringing a number of relevant Ministers before a Select Committee where they can be examined in detail.

Mr. Drew: Well, I am greedy because I want both. I want a Select Committee that embraces the different Departments because that is a good way to hold them to account, but I also want an annual debate in this Chamber so we can look meaningfully at what progress is being made and have a debate on that. To my mind, those two means serve different purposes and we should explore both.

On the definition and measurement of success, I know we will have a debate on the 10 per cent. versus the 5 per cent. and I think it is right that we do so, and I also think it is right that we look at whether we can get down to 0 per cent. There is a danger of getting into a statistical morass when looking at the four different measures, but that does not mean that those of us who do not want to play with statistics should not look at what lies behind the statistics. Given that there are international obligations that we have to look at—the Department for International Development is examining how it measures its ability to deal with poverty in different parts of the world—we should be willing and able to reflect on what we are doing in this country.

Local authorities are key. There is no point in pretending that central Government can tackle this issue. They certainly cannot do so in partnership with the voluntary sector; they have to do it in partnership with other parts of the statutory sector, in which local authorities are key. We have various performance indicators, which I hope can be addressed. I welcome the fact that almost all local authorities now include climate change in the targets they are willing to address, and I would hope that they would include child poverty as something that everybody wants to eradicate, but if we do not target resources on it locally, it never will be eradicated. I wish to see that happen. I also issue a plea for us to use the Sustainable Communities Act 2007. I want organisations to see this as one of the triggers they want clearly to identify themselves with in taking forward policies and having the motivation to ensure everyone is included.

I am a wee bit nervous that some groups might be excluded from the measurement of children in poverty. Asylum seekers, those in care, Traveller families, and those who have specific disabilities and therefore do not appear on the radar screen are the very children who are

[Mr. Drew]

the most vulnerable. If we say they are too difficult to measure and that it is impossible to see how we could eradicate their poverty, that is a sad indictment, because we ought to be looking at measures that can include those very difficult to measure and vulnerable groups.

Moving towards what we want to achieve does not involve simply looking at the statistics and the four different measures. As many Members have said, it also involves looking at the poverty of aspiration, which is what causes the greatest dissatisfaction for those in poverty as they not only cannot see themselves getting out of poverty, but they cannot see how they can get their children out of poverty.

Of course, attacking the cycle of deprivation must underlie our approach. With those reservations, and given that many Members have covered the points that I wished to talk about, I do not intend to speak for any longer. I hope that we can debate these matters in the presentations and the sittings that will be available in Committee, so that we can bring back an even stronger Bill to which everyone will commit themselves, because by 2020 we should have ended child poverty.

8.20 pm

Mr. Graham Stuart (Beverley and Holderness) (Con): It is a great pleasure to follow the hon. Member for Stroud (Mr. Drew) and to participate in tonight's debate, which has been of a universally high standard. Every speech that I have heard—I apologise for missing the first one, Mr. Deputy Speaker—has been thoughtful and constructive. I aim to continue in the same vein by not using this immensely serious subject—many hon. Members have pointed out its seriousness—for any partisan purpose.

It is important that we examine where we are on this issue today. Over the past few years, child poverty in this country has increased enormously. As people have said, it doubled under the previous Conservative Government, on the definition that was being used, and some 3.4 million children were living in poverty when the current Government came to power. On the last available figures, that number had reduced by 600,000. My maths may be a little poor, but assuming that things have started to go into reverse in the current recessionary times, it is not unreasonable to expect that there might still be—or might be in the next few months—3 million children living in poverty. That is much further than 600,000 away from a halving of the poverty figure; I may be getting my numbers mixed up and I look forward to the Minister putting me right, but I fear that the situation might be worse than hon. Members are led to believe.

The progress made to date in reducing the official poverty figure has largely been achieved by moving hundreds of thousands of people who were receiving a few pounds less per week than the poverty line to a position where they receive a few pounds more; there has not been a profound change with regard to the relative poverty of children in this country. The 600,000 whose position has changed have generally not moved very far; their situation has changed by only a few pounds a week. Of course, the converse of that is that even the smallest reduction in the income of those just above the poverty line plunges them back down below it, so that they are then officially in poverty. That is particularly relevant to the Prime Minister's and the Government's abolition of the 10p tax rate, some of whose impact has been ameliorated. According to the Institute for Fiscal Studies, the people who face the biggest loss from the abolition of the 10p rate are those whose incomes are £149 a week. That figure corresponds almost exactly to the Government's official poverty line, which, for an individual, is £145 a week. It is as if the Government's poverty policy has been thrown into reverse and the tax change has been finely tuned to cause the maximum possible damage to their genuine and proper policy objectives.

A former Labour Health Secretary has said that

"poverty has become more entrenched".

I mentioned the Joseph Rowntree Foundation in an intervention, and it has concluded that

"the strategy against poverty and social exclusion pursued since the late 1990s is now largely exhausted".

The Treasury itself says:

"Worklessness and low pay are the biggest direct causes of poverty. Living in a family where no adult is working puts a child at a 58 per cent. risk of poverty...Work remains the most sustainable route out of poverty: a child's risk of being in poverty falls from 58 per cent. to 14 per cent. when one or both of their parents is working."

As hon. Members will know, if one or more parent is in permanent work and stays in work, the chance of their child being in poverty reduces further still.

As has been said, the number of people living in severe poverty, which is defined as having less than 40 per cent. of median income, has risen by 600,000 since this Government came to power—measured after housing costs, the level is the highest for 30 years, at 5.2 million people, or 8.8 per cent. of the population. Some 40 per cent. of all people in poverty are now in severe poverty. The proportion of children living in severe poverty has also grown since 1998-99, increasing from 5 to 6 per cent. The number of children living in severe poverty has, thus, actually increased by 20 per cent. in the past 12 years. That is the situation with which we are dealing. I am certainly not saying all this in order to make any partisan point, because I recognise that Ministers and this Government have genuinely wrestled with this issue to try to create a fairer and more equal society.

We have heard powerful speeches tonight from the hon. Members for Foyle (Mark Durkan) and for Northampton, North (Ms Keeble). The hon. Member for Northampton, North discussed how crucial housing is to the welfare of children in poor households and said that the housing in her constituency is not up to standard and is woefully inadequate in quantity; the same is true in my constituency. Who would have thought that 12 years into this Government, during whose time in office there has been a period of sustained economic growth—at least until recent times—fewer affordable houses would have been built than in any year of either the Thatcher or Major Governments? I certainly would not have thought that. It remains a baffling cause for concern that during the time of relative plenty the Government did not find the opportunity to reform the planning system and did not find ways to work with communities, rather than imposing on them, in order to ensure that there were the houses that we need and that would make such a difference to families.

Where someone is in a decent home in a community that has decent resources around it—even if numerically, according to the targets in this Bill, they are still in poverty—their life chances, well-being and morale are transformed. As has also been mentioned, the worst possible statistic for this country is the one showing that our children are the most miserable in Europe; there are more unhappy children in this country than in any other around.

I make no apology for explaining where I think we are at on child poverty. We are not in the benign position of having had a transformation, with major strides having been made. In no way do I doubt either the resource or the will with which the Government have approached this issue, but I question whether any major strides have been made. It seems to me that, for the poorest in particular, the situation appears to be going backwards. I hope that the Minister will be able to talk through the strategies, rather than just the aspirations, that may turn things around.

I am not sure whether I support the Bill, because I do not like legislation that makes promises that I fear will not be delivered. In a related area, the Apprenticeships, Skills, Children and Learning Bill promises that every young person of 16 to 18 will be guaranteed a choice of two apprenticeships within a reasonable travel-to-work area by 2013, yet the legislation contains no tools or levers to show how on earth any Government would be able to deliver those apprenticeships. I therefore fear that the very young people who might most want and need them will not actually get them. Likewise, this Bill makes promises that I fear cannot be kept, because we cannot ignore the fact that the Government, despite the best will, have failed—or will fail—to deliver their relatively easy target of halving child poverty by next year. That target came at a time of fiscal surpluses, when we had a strong economy. But we will miss it. In the next few years, with £175 billion of borrowing this year, £173 billion next year and unprecedented pressure on our public finances, how can we believe that any Secretary of State will be able to deliver on these targets? I fear that they will not.

We have an ageing population—in the coming decade we will have many more people over 80 and over 100—and social care costs will also put Government finances under pressure. The child poverty targets will either distort all other Government policy or—this is more likely, in my view—the two opt-outs in clause 15 will be used. If economic circumstances are not enough for the Secretary of State to use as an excuse, he or she will be able to cite fiscal circumstances as well. Obviously, the economic circumstances opt-out was not broad enough for them. The fear is that this is aspirational legislation, sending out false messages that any Government will struggle to deliver, given the fiscal inheritance of whoever wins the election next May.

I ask Ministers to be as upfront as possible with people about what is possible given the likely available funding. The Secretary of State in the Bill will be the Secretary of State for Work and Pensions, so the assumption is that benefits and tax credits will be used to deliver children out of poverty. That means that the benefit level for the average family on benefits will have to be set above the relative poverty line, but how will that be possible while maintaining the incentives to work and ensuring that we balance the books? I fear that this legislation is making promises that the Government cannot keep.

We need to look at child poverty holistically. Despite clause 8 and its wish list of various things that the Secretary of State should bear in mind, will the Bill put in a place a strategy to deliver what it promises? I fear that it will not. What will we do about the fact that women in Scotland with no qualifications will tend to have three children, but only 11 per cent. of women with degrees will tend to have three children? The fewer qualifications a woman has, the more likely she is to produce children, and the earlier she is likely to do so. The danger is that if women with no qualifications become pregnant in their teens, they are likely to bring up children in a household with low aspirations and a single parent who struggles to find work because she lacks those qualifications. Until we tackle that issue, we will not make progress.

Nor will we make progress until we tackle educational failings. Leitch's report suggested that the number of unskilled jobs would collapse between now and 2020—from more than 2 million to 600,000. There will be very few jobs for people who are unskilled, but have educational outcomes improved in this period of economic growth? The number of NEETs has gone up and the percentage of children who get no GCSEs has fallen by only a tiny amount—from 10.3 to 10.2 per cent. On the wider societal issues, such as housing, supporting families to bring up children and education, I do not see how this Bill will make a difference.

The hon. Member for Foyle said that we must pass a Bill that actually means something, and commented that the Government have resiled from their previous promises—the aim in respect of the eradication of child poverty is no longer to have 5 per cent. or less of children in poverty but 10 per cent. That needs to be looked at in Committee, but most of all we need to ensure when we make promises to the people of this country, they are well founded and can be delivered.

8.33 pm

John Mason (Glasgow, East) (SNP): My party welcomes this Bill. I wish to associate myself in particular with the speeches by the hon. Members for Foyle (Mark Durkan) and for Northavon (Steve Webb), although almost every hon. Member who has spoken has made some good points.

We clearly need to tackle income inequality and the root causes of disadvantage, and we need to support people in poverty now. Some of the explanatory notes are very good and summarise where we are trying to go. Paragraph 131 says:

"It is nearly impossible to quantify the financial benefits of eradicating child poverty. Growing up in poverty can damage cognitive, social and emotional development, which are all determinants of future outcomes for a child. The Joseph Rowntree Foundation estimates that child poverty costs at least £25 billion a year in Britain, and that £17 billion could accrue to the Exchequer if child poverty were eradicated. However, this is a possible under-estimate of the true benefit. There are other benefits associated with the eradication of child poverty which are difficult to quantify such as equity, reducing hardship, deprivation and exclusion and breaking the intergenerational poverty link."

Those points have been referred to by many of the Members who have spoken.

[John Mason]

The current economic climate is leading to more families in poverty, and more families who could fall into poverty. We cannot have this debate without talking about resources, which have not been touched on as much as I hoped. At the last Budget, the Child Poverty Action Group called on the Chancellor to invest at least £3 billion in tax credits and benefits. When that did not happen, the CPAG said there was a danger that the Bill would have

"no credibility from the outset."

Without real money, I do not see how we can possibly meet the child poverty targets. Instead, with budgets being cut, as I fear both major parties seek to do—although they may quibble over who is cutting more—we shall not see much progress. The Budget this year did little to help, so I would be interested to hear from the Financial Secretary at the end of the debate whether there will be real resources in the pre-Budget report this autumn to help to address the shortfall.

We need to simplify the tax credit scheme and promote greater availability of child care vouchers. There is a problem for people whose weekly hours fall below 16, because they lose tax credits. There is a particular problem for single-parent families. We are told that 52 per cent. of them were in poverty in 2007-08. Parents may not be to blame for a family coming apart, but it is clear that the children suffer.

Relative inequality is definitely a problem. We have heard many examples of children who cannot do the same things as other children in their class. Gingerbread gives this example:

"My children have also been unable to go on school trips because I cannot afford it...and my children were the only ones not to go."

School trips may not be the most essential thing in life, but I find such statements particularly touching.

By many accounts, my Glasgow, East constituency has some of the greatest poverty in the country. Housing is the issue that people most often come to see me about. It has been touched on already, so I will not go into great detail, but the examples given by the hon. Member for Northampton, North (Ms Keeble) were extremely relevant and touching. So many kids are brought up in overcrowded, unsuitable accommodation in the 21st century.

Clause 2 contains a 10 per cent. target, but as I said in an intervention, I wonder whether that is ambitious enough. Clearly that target is much further on than we are at present, so it is definitely to be welcomed—but given the number of voices who question it, including those of Barnardo's, Save the Children and Gingerbread, we have to wonder whether it is enough. If we said that next year only 10 per cent. of houses in the UK would be broken into, so by definition house-breaking would be eradicated, many Members would not accept it, and neither would the public. As has already been suggested, if the plan was to remove 10 per cent. of Members from the House, a lot of us would not be very keen on it. In reality, none of us think that 10 per cent. will be acceptable in the long term, although I acknowledge that it is a big improvement on the current situation. Perhaps we should stop using words such as "eradicate" and "abolish", because that is not what will happen.

Clause 15 has been referred to, and some of my fears have been echoed. Barnardo's mention that clause too. Is it a get-out clause? We should be interested in reassurance from the Financial Secretary that that is not the case. Perhaps the Committee might come up with better wording for it. Are the factors mentioned simply factors that have to be taken into account, or can they override the targets?

We have not heard very much about interim targets. It seems to be accepted that the 2010 target, the half way point, will be missed. Will the Minister who responds to the debate state that everyone now accepts that? It strikes me that if we are now aiming for 2020 there should be an interim target of 2015—a point at which we could measure progress.

One or two Members have asked whether the commission should be beefed up. Should it have a bigger budget and more powers? The hon. Member for Stroud (Mr. Drew) said that he would like it to consult outside experts. That in itself would presumably increase the time for which it needed to meet, and its expenses. If the commission is to do its own research and call for evidence, it will need a budget for that. Like others, I welcome the fact that Scotland, Wales and Northern Ireland are to appoint their own commissioners, which has not always happened in other cases, such as broadcasting.

It concerns me that no actual figures in pounds and pence are being mentioned. I accept the relative measures that are being given, but I wonder whether they are enough in themselves. Perhaps we need to look at minimum income standards and consider raising the minimum wage. One of the London charities that submitted evidence reminds us of some of the figures that we are talking about:

"Nowhere in the government's measures of poverty is there any estimate of what it actually costs every week to live healthily in the expensive UK economy. The current...adult unemployment benefits...are £64.30 a week, but £50.95 a week aged 18-25; they are half, or less than, the government's poverty threshold and 42 per cent. of the Joseph Rowntree Foundation minimum income standard"

after housing costs

"of £144 a week."

We need to introduce some solid reality. I know that costs change year by year, but there seems to be a lack of reality in the Bill.

Tax credits were mentioned when I asked about the minimum wage. Although we welcome tax credits, and the fact that they boost family income, in one sense they just subsidise profitable employers. Employers can then employ staff at the minimum wage, which people clearly cannot live on, and make huge profits. I have a problem with that.

Consultation is good, but I notice that clause 9(4)(c) talks about consulting children or organisations that represent children. That "or" should be an "and" because children should definitely be consulted.

I suspect that more than one Secretary of State will be involved in all this, because the Secretary of State for Scotland will be involved in some of the processes. I hope that the Secretaries of State will be constructive in their dealings with Holyrood and the other devolved Administrations. I want to make some points from a Scottish point of view. The Scottish Government are fully signed up to the UK target of halving child

poverty by 2010 and eradicating it by 2020. In Scotland 20 per cent. of children are in poverty, which is only marginally better than the UK as a whole. The Scottish Government welcome the positive contact that there has been between the Minister and our Deputy First Minister.

There has been some mention of grandparents and other relatives. The whole issue of kinship care needs to be looked at. I know that in Scotland some local authorities, and the Scottish Government, are trying to help grandparents and other relatives who look after children, but there seem to be problems with the Department for Work and Pensions penalising people. That needs to be looked into.

The Scottish Government would like to replace council tax with a local income tax, which would definitely help poorer families. Scotland believes that we will be able to tackle the issues of child poverty best when we have the full powers of taxation, spending and social welfare under our control, but we seek to do what we can with what we have.

I note that the hon. Member for Edinburgh, West (John Barrett) mentioned that money came from Westminster and was not used in the same way as it was in England. However, he then mentioned that hospital appointments were important for disabled people. One of the things that the present Government of Scotland have done is to keep open more hospitals that were planned for closure. A lot of the levers still lie with the UK Government, but I hope that that disadvantage can be addressed in due course.

Local government in Scotland has also been mentioned. I do not know whether exactly the same applies in Wales and Northern Ireland, but we have the concordat, which means that local government and the Scottish Government try to work together on more issues, rather than taking a top-down approach. However, that means that it is more difficult to have ring-fencing and to insist on local government toeing a certain line. However, to be fair to local authorities—I know best the authority in Glasgow, which probably has a lot of the problems in Scotland—they are very committed to tackling child poverty too.

I hope that there can be a constructive relationship between Westminster and Holyrood. It is a question of balance, because some factors are almost purely Westminster issues, while others are purely Holyrood issues. However, as the hon. Member for Foyle (Mark Durkan) said, there is also a twilight area where a lot of the factors interrelate. In the past there have been some unfortunate examples of a lack of working together. For instance, the Scottish Government were approached on 19 March for a response to the Equality Bill that was required by 25 March. Six days for a Government response is really not what we are looking for.

We are in complete agreement that child poverty is one of the foremost issues, now and for the coming years. We support the Bill; my only question is whether it is specific enough, whether it is tough enough and whether it goes far enough.

8.46 pm

Sammy Wilson (East Antrim) (DUP): The difficulty towards the end of such a debate is that many of the points that one wished to raise have already been raised. However, some of the issues that I want to raise may run counter to those raised in many of the speeches in this debate.

First, I welcome the objectives of the Bill. We have had a good run-through this evening of the impacts that child poverty has on children throughout the United Kingdom and the consequences for society in lost opportunities, crime, problems in later life and so on. However, I am not so sure that the approach taken in the Bill is necessarily a good way of dealing with the issue. Hon. Members have drawn parallels between this Bill and the Climate Change Act 2008—some people may know my views on that—under which long-term targets have been set. Those targets will span not just this Administration, but another Administration and perhaps another one after that. At the end, nobody will be held responsible for targets that may be set 10 or 20 years in advance. To throw in a commission in order to try to provide some continuity is something that I am not so sure about—and I will come to the commission in a moment. I am not sure that the approach that we are debating is necessarily the best way forward.

Secondly, let us introduce a bit of realism. Hon. Members have already made the point that the issue should not be about simply scoring political points off the Government who happen to have responsibility for taking through legislation and public policy at the moment. However, even with their commitment to reaching their target of reducing child poverty by 50 per cent., this Government were unable to achieve their targets during the best of economic times. At a time when employment was riding high and public finances were abundant, those targets were not met. This Bill is being introduced in the context of immense pressure on public sector finances, with a period of rising unemployment and the impact of other policies. For example, last week the Secretary of State for Energy and Climate Change announced a policy that will add, some believe, £230 a year to households' energy bills.

We must therefore be realistic when we set these targets. We must not create an expectation that we can meet a target that we were unable to meet in the good circumstances, because we are unlikely to be able to meet it in the circumstances that we will face in future. I take issue with the hon. Member for Foyle (Mark Durkan), who used the word "slipperiness" in referring to the clause saying that economic and financial circumstances should be taken into consideration. To a certain extent, that is simply being sensible. We are looking at a policy that will apply that far ahead and in circumstances that we cannot possibly foresee and unless we knew all the other policies around it, we must have some way of evaluating the targets that we are aiming for but that circumstances might prevent us from achieving.

My next point flows from that. There is an obligation on devolved Administrations to bring forward a strategic plan for dealing with this issue. I take the point that it is not simply about levels of income. Perhaps the Bill focuses too much on that, although, to be fair to the Government, the guidance that they have given goes much wider to include housing, education and a range of other things. However, there will still be resource implications that vary across different parts of the country. In some places there will be deeper deprivation,

[Sammy Wilson]

and therefore a greater problem, than in others; the causes of poverty might be much more expensive to deal with than elsewhere.

Without the commitment of resources—I am thinking particularly of devolved Administrations such as Northern Ireland, where, given the higher levels of deprivation and child poverty, there are greater consequences in dealing with this—we will not meet the targets for 2010 that we had hoped to meet. Only last week, the House of Lords indicated—the hon. Member for Glasgow, East (John Mason) will not like to hear this—that Wales and Northern Ireland have lost out on the Barnett formula. As a result, the resources that have been made available are less than what is required to bring Northern Ireland up to the levels that would give us greater equality with the rest of the United Kingdom. Some Members have asked how, if the money available through the Barnett funding mechanism is not ring-fenced, we can be sure that it will be spent on these issues. However, the fact that the child poverty strategy has been brought forward indicates that the necessary resources have to be directed towards dealing with it.

I am not sure I agree with criticisms of other aspects of the Bill. The hon. Member for Henley (John Howell) said that the strategy for dealing with these issues would be imposed on, or left to, local councils as the deliverers in England, and that there would be disadvantages to that. Given the different circumstances in different parts of the United Kingdom, that degree of flexibility for local councils or devolved Administrations to bring forward their own strategies is a good part of the Bill. Administrations are guided towards certain areas, but some will have different emphases. In rural areas, for example, the issues of poverty might be much different from those in inner-city areas. Giving the responsibility to local authorities or devolved Administrations to draft their own strategies rather than having them imposed from the centre is, I believe, a good idea.

Let me consider the circumstances in Northern Ireland. One thing that helps to release people from poverty—it has been mentioned tonight—is a good sound education and once we had a devolved Administration in Northern Ireland, we moved away from the policy that the Government were introducing of doing away with grammar schools in Northern Ireland. We believed that grammar schools were one way of giving young people from disadvantaged backgrounds the opportunity to climb the ladder out of that background and impoverishment. When it comes to the delivery of some of the programmes, especially those that offer help with families that have difficulties or that are dysfunctional, Churches in Northern Ireland could have a huge input—and perhaps more so than in other parts of the United Kingdom. A strategy that recognises such opportunities and their strengths should be within the remit of the local administration. That flexibility is good, and we should not turn our backs on it.

My last point concerns the need for the commission. Its role is to provide the data, to scrutinise and evaluate the policy, to carry out research into child poverty and to have the expertise in dealing with families that experience poverty and so on. We are told that it will not cost very much. We have not even got the Bill through and groups are already saying that the commission is under-resourced and should have more. Let us face it—once such an organisation is set up, the impetus is always for it to be expanded into a bigger bureaucracy and a bigger quango, not shrunk. As the hon. Member for Stroud (Mr. Drew) said, the real place where the scrutiny of the success or otherwise of this policy should be undertaken is Parliament. This is where Ministers should be brought to account, whether through Select Committees or in annual debates in the House. This—not some quango—is the place for such scrutiny. Of course, quangos often take on a life of their own anyway. Few quangos vote, or produce reports, to say that they are no longer needed. They always find some reason for their continued existence.

I have heard so many times in this House that we have to reduce the cost of government. However, it seems that on almost every occasion when we come forward with some new ideas or policies to deal with a particular problem, we set up more extra-parliamentary bodies. I believe that that is the wrong way forward.

I look forward to Committee. I know that the devolved Administration in Northern Ireland will be actively involved in considering a strategy for dealing with child poverty, which will have to cross all the various Departments within that Administration. I hope that where resources are required centrally for that strategy, they will be made available.

8.58 pm

Mr. David Gauke (South-West Hertfordshire) (Con): We have had an interesting and thoughtful debate with contributions from all parts of the House and all parts of the United Kingdom. We heard 13 contributions from the Back Benches, and I would particularly like to thank my hon. Friends the Members for South-West Devon (Mr. Streeter), for Henley (John Howell) and for Beverley and Holderness (Mr. Stuart) for three excellent speeches. My hon. Friend the Member for South-West Devon set out the case that poverty is not just about money and stressed the importance of stability and security in children's upbringing. My hon. Friend the Member for Henley set out some of the challenges for local authorities and some of the difficulties that the Bill may cause. My hon. Friend the Member for Beverley and Holderness rightly stated that the debate included many high-quality speeches, and proceeded to deliver one himself. It touched on many issues, including educational standards and housing.

There is some consensus here. We strongly share the aspiration to eradicate child poverty by 2020. We believe that high levels of child poverty reveal a waste of potential in a globalised world, in which there are opportunities for many more people than was previously the case to achieve greater material wealth. Children who are excluded from those opportunities will fall further and further behind. It is not good for any of us if a section of society is excluded from the benefits of what we hope will be a growing economy in the years ahead, stuck in a culture of low aspiration and dependency and attaining poor educational qualifications. All that results in a cycle of deprivation, and it becomes increasingly hard for any child born into poverty to escape it. That is bad for those in poverty and for society as a whole. For those reasons, we support the aspiration behind the Bill.

On a positive note, the debate appears to be moving in a more sensible direction. There was a time when the Government's response to all such questions was simply,

"More money", and a view that any problem, including child poverty, could be addressed by more public expenditure—more money in benefits and tax credits. If we exclude the Secretary of State's contribution to the debate, it appears that the Government have moved on from that one-dimensional approach.

The Institute for Fiscal Studies has calculated that one could spend £4.2 billion to meet the 2010 target. That is not a recommendation, merely an assessment of what could be done by spending that amount on child benefit and tax credits. It also calculates that the 2020 target could be achieved by spending £19 billion in 2008-09 prices. However, the Government appear to recognise that that is not a sustainable method of delivering. We agree.

We welcome the Government's acknowledgement of the need for a wide range of interventions. It must be said that my right hon. Friend the Member for Chingford and Woodford Green (Mr. Duncan Smith) has set the terms of the debate. The greater focus on family breakdown, drug and alcohol dependency and worklessness has meant that we now have a more sensible debate on such matters. The Government's record on poverty and reducing the gap between the poorest and the rest of society is disappointing. As we have heard, they are failing to meet their 2010 target—it is estimated that it will be missed by 600,000 children—and child poverty is increasing.

Sometimes the Government make the excuse that everything was going swimmingly until the recession came along. That is wrong on two counts. First, long before the recession arrived, the Government were destined to miss their 2010 target. In February 2009, the IFS said that its

"forecast of child poverty in 2010 would be very slightly lower if the economy were to perform worse than the Treasury assumed in the PBR. This is because lower employment and real earnings have more effect on median income (and thus the poverty line) than on the income of low-income families with children (in which the parents are less likely to be working than in the median household)."

The recession is, therefore, according to the IFS, to the advantage of meeting the child poverty target.

The hon. Member for Copeland (Mr. Reed) said that tackling inequality and poverty was what his party was about and what the Government were for. However, it is not just in the area of child poverty that this Government are failing. The average weekly income, after housing, of the poorest 10 per cent. has fallen from £98 in 2003-04 to £87 in 2007-08. The Gini index shows inequality at a record high. Life expectancy differences between the poor and the rest have widened since Labour came to power, as have infant mortality rates. Youth unemployment is a third higher than when Labour took office, and the number of people on out-of-work benefits has not fallen below 5 million in the past 12 years. Of that figure, 1.1 million people of working age have never worked a day while Labour has been in power. Child poverty is just one example of the Government's approach to poverty having failed.

It is therefore not surprising that there is a degree of scepticism about the Bill, which is more about distracting attention from the failure of the 2010 target than it is about the 2020 target. I shall make an analogy. Let us imagine a school pupil who is about to sit his GCSEs. He has not completed all his coursework, he has not revised, and he is clearly destined to fail his GCSEs. He says to his worried parents, "Don't worry, Mum. Don't worry, Dad. I hereby pledge"—it is not an aspiration, it is a pledge—"to obtain a postgraduate degree within 10 years. In 12 months' time I will set out my strategy for how I will do that." I think the parents could be forgiven for not being overly impressed, and we are not overly impressed by the Government's approach. They are failing on the target that is about to arrive, so instead they focus on something that will happen in 10 years' time by concentrating on an aspiration well beyond the next general election.

A further concern that we have is about accountability. Clause 1 states that it is

"the duty of the Secretary of State to ensure that...targets are met".

I hope that in Committee we will be able to examine to whom exactly that duty is owed. What will happen if the target is not met? Will it be possible to take the Secretary of State to court if he or she fails to meet a target? Will the courts be able to block a policy initiative if it is inconsistent with that duty, or will they be able to initiate policy? If so, there has to be distinct unease, because those are matters for a democratically accountable politician. They are matters for Ministers, not unelected judges, and that would start to blur the line between what is rightfully done in this place and by people accountable to it and what is done in the courts. If it is not for the courts to make such decisions, that prompts the question of what the point of the Bill is, other than to be a glorified press release.

Part 2 of the Bill sets out the role of local authorities. We recognise and welcome the importance of local authorities playing a role in tackling child poverty, and we recognise that a lot of problems are of a local nature. That point has been made by a number of hon. Members on both sides of the House. However, part 2 contains a list of duties on local authorities: to make arrangements to promote co-operation with partner authorities, to publish a local child poverty needs assessment, to prepare a joint child poverty strategy and to have regard to any guidance given by the Secretary of State. That is very much a top-down view of what local authorities should do.

Essentially, the Government's view as expressed in the Bill is that local authorities are there to administer the priorities of central Government. Under the Bill, there is no discretion as regards which of the partner authorities local authorities should work with, or what measurement of child poverty should be used. Is there an argument for a wider range of measurements being available for local authorities to use? My hon. Friend the Member for Henley set out what some local authorities are doing. Will that help or hinder?

The requirement to have regard to the Secretary of State's guidance could result—we will want to examine this in Committee—in the Secretary of State being able to force local authorities to act in a particular way. That would make local authorities look to what central Government want, rather than to the local people whom they are there to represent.

Mr. Graham Stuart: My hon. Friend puts his finger on an important point. On the guidance from the Secretary of State, there will be fear that if the Government impose an urban model, albeit with good will, it will have a disastrous impact on locally tailored policies in

[Mr. Graham Stuart]

rural areas such as the East Riding of Yorkshire, which I represent. That would be the case even if the urban model was appropriate, even if the Government had got it absolutely right and even if it worked in urban areas.

Mr. Gauke: My hon. Friend makes an excellent point. That is exactly the concern. I hope that we will be able to examine that issue. The situation will partly depend on how the powers given to the Secretary of State are applied, but there is clearly a concern. We believe that logically there is a role for local authorities; a lot of problems relating to poverty are local in nature, so clearly local authorities must have discretion in deciding how to tackle them. The concern is whether the balance will be right, and I hope that we will examine that in greater detail in Committee.

We need to know what the burden on local authorities will be, and whether the Bill will be an effective way of reducing child poverty. There is a concern that the response to part 2 will be a plethora of advertisements in *The Guardian* for "a child poverty strategy co-ordinator, tasked with engaging in a permanent dialogue with key stakeholders and partner authorities to develop a cross-cutting strategic plan to meet statutory child poverty objectives", but that little will be done to move significant numbers of children out of poverty.

Mr. Stuart: Does my hon. Friend think that it is an omission that there is no mention of children's trusts? They are supposed to have been put into statutory form already, and are supposed to bring together the various agencies; it is rather odd that they are not mentioned in the Bill.

Mr. Gauke: Again, my hon. Friend makes an interesting point. I do not know whether we should take that as his application to be on the Public Bill Committee, but it sounds as though he has a host of good ideas that he will want to bring to the Committee.

We support the aspiration behind the Bill, but the Bill shares some of the less attractive characteristics of the Government. It looks bureaucratic, and it looks as though it is centralising, rather than localising. There is one other important point. One might expect a Government to proceed by first setting out their objectives, then setting out a strategy on how to deliver those objectives, and then delivering, but after 12 years, the Government have failed to deliver, so they resort to repackaging their objectives in the Bill without explaining how they will deliver. Whatever its qualities, the Bill is a style-over-substance measure. It is about political positioning before delivery. It is a Bill from a Government who have given up on delivery. It is a Bill from a Government who have given up. Where this Government have failed, others must succeed.

9.14 pm

The Financial Secretary to the Treasury (Mr. Stephen Timms): I agree that we have had an excellent debate. I really hope that we can forge a consensus on the aims of the Bill and the reforms that it will deliver. The goal is that no child's life prospects should be limited by an upbringing in poverty. My hon. Friend the Member for Copeland (Mr. Reed) was among the contributors to the debate who set out how some of those limitations are applied in practice. Every child should have a good start in life, a fulfilling childhood and opportunities to thrive and flourish. That is why, after 1997, we first halted and then reversed the previously inexorable rise in child poverty. There are 500,000 fewer children living below the poverty line than there were in 1999, and another 500,000 are expected to be lifted above the line by the measures announced in the past couple of years.

I pay tribute to the work of my hon. Friend the Member for Regent's Park and Kensington, North (Ms Buck) on child poverty in London, and I agree with her that it is dishonest to pretend that there has been no progress over the past 10 years, although I welcome the fact that Conservative Members are now willing to talk about poverty in a way that simply did not happen when we had a Conservative Government. There has been substantial progress over the past 10 years. Reforms since 1997 have made households with children in the least well-off fifth of the population £4,750 a year better off, on average. The minimum income for a family with one child and one person working 35 hours a week has increased by more than 30 per cent. in real terms since 1999. There has been very substantial progress, but there remains a great deal more to do. That is the importance of the Bill, which will provide renewed impetus, build and sustain momentum and create a clear definition of success. It will put in place a framework for accountability and improve partnership working at local level to tackle child poverty.

The hon. Member for Northavon (Steve Webb) made a particularly interesting speech, drawing on his many years of work in this area. I am grateful for his support for the Bill and I agree with his characterisation of what was happening inexorably under the Tory Government. I hope that he will send me some of his collected works; I look forward to reading them over the summer, and to having a rigorous debate with him and others in Committee after the break.

The hon. Gentleman and one or two others suggested that the current fiscal pressures put the ambitions for 2020 at risk. I would rather put it the other way round. Under the obligations in the Bill, once it receives Royal Assent, we need to devise a strategy for child poverty that is consistent with the fiscal consolidation that will be necessary over the next few years. That is what clause 15 requires. The eradication of child poverty and the fiscal consolidation set out in the Budget are not incompatible, and the strategy that the Bill requires will have to demonstrate how we can deliver both. Financial support will have to be tightly targeted—that is true. Having a job is the best way out of poverty, but too many families today remain below the poverty line even though a family member is in work. We need to do better for those families, and to set out in the strategy how public services, which have seen a huge boost in funding over the past 10 years, will help us to tackle poverty.

Some hon. Members have rightly said that the benefits of the proposals will far outweigh the costs. Creating a fairer society will benefit everyone. Without the action that we are proposing, we would need to continue meeting the real and high costs of inequality, and we would continue to miss out on the value of unfulfilled potential. The eradication of child poverty will have significant benefits for the economy. Entrenched crime and poor health impose big costs on public services and prevent them from operating as effectively as they could.

The hon. Member for Glasgow, East (John Mason) was right to mention the recent estimate by the Joseph Rowntree Foundation that the cost to the economy of child poverty is around £25 billion a year. The challenge is to work out how to tackle that cost effectively, and to realise those substantial cost savings over time in a way that is consistent with the consolidation that will be needed over the next few years. That is what the strategy required by the Bill will need to do.

Measuring poverty is not straightforward; there are widely different approaches to it, and we have heard about some of them in the debate. The definition of success in the Bill results from careful and widespread consideration and consultation. My hon. Friend the Member for Stroud (Mr. Drew) referred to the widespread consultation that had taken place, and to the quite widely held sense of ownership of the Bill and of the way it sets about its task. It involves four poverty measures: relative poverty, combined low income and material deprivation, absolute low income and persistent poverty. Those four reflect the reality that income and the length of time experienced on low income and being without things are all important, and success will be achieved only if all four of those targets are hit. Those targets are ambitious, but achievable. If we meet them by 2020 and maintain them subsequently, we can be confident of making a big impact on children's well-being and on the well-being of the country, as those children go on to become adults.

Mr. Graham Stuart: My constituents often tell me that they get frustrated when, as soon as a target they have heard about looks as though it will fail to be achieved, there is a big fanfare announcing something new. Will the Minister address the 2010 target and square with the House about where we are with it so that we have some context when we talk about the Bill.

Mr. Timms: I am happy to do so. I refer the hon. Gentleman to the assessment made by the Institute for Fiscal Studies, which I believe estimates that on the basis of policy currently in place, we can expect to get about two thirds of the way to the target by the end of 2010-11. My right hon. Friend the Secretary of State for Work and Pensions explained earlier that pressure on the public finances constrains what we can do, but we have certainly not given up, and we may be able to go further in the announcements to follow before the end of the 2010-11 period.

I welcome many of the points that my hon. Friend the Member for Northampton, North (Ms Keeble) put forward. She is consistent in championing the need for better housing and she provided some powerful examples from her constituency. One of the indicators in the material deprivation index is whether or not children over 10 of different genders have their own room—an issue that she raised, which is at least touched on in the Bill.

All the targets refer to income, but I agree that it is important to approach the issue of child poverty from a variety of angles, working across the whole of Government and at a local level. The Bill recognises the importance of narrowing the education attainment gap for disadvantaged children and of reducing infant mortality, but it is right to focus on income in order to address the lack of experiences and opportunities from which children in low-income families suffer. The Bill's strategy will drive action to tackle such poverty across the so-called "building blocks" underlying the income targets. Hitting all four of those targets will provide real and lasting improvement to the well-being of children in the UK.

The hon. Member for South-West Devon (Mr. Streeter) made a connection between family break-up and poverty—and there is, of course, a connection between them. The shadow Secretary of State quoted from the regulatory impact assessment, where it said that low incomes can cause strain in relationships leading to family breakdown, while family breakdown can exacerbate or even cause poverty. I would advise caution regarding some of the points made by the hon. Gentleman and others about the so-called couples penalty. In particular, it remains the case that the likelihood of poverty is twice as high in one-parent households as in two-parent households, which needs to be borne in mind as we set about tackling the problem.

I agree with those who applauded the contribution of the third sector. My hon. Friend the Member for Cardiff, North (Julie Morgan) made the same point, and I join her in paying tribute to the work of organisations in Wales. The hon. Member for Blaenau Gwent (Mr. Davies) talked about the work of the End Child Poverty coalition, which does great work in every part of the UK. I join those hon. Members who paid tribute to the work of the Welsh Assembly Government in this area, as they have had measures in place since March, including duties on Welsh Ministers to prepare a child poverty strategy and update it every three years.

The hon. Member for Henley (John Howell) set out his concerns about the role of local authorities in the Bill, but it has been widely recognised that tackling child poverty cannot be a priority only for central Government Departments; it must also be a priority for local authorities and their partners. Obviously, tackling child poverty helps local communities, and many local authorities have made a commitment to tackling child poverty. Good work is under way, and local authorities have given a lot of support to the proposals in the Bill. However, we need local authorities and their partners to do more, even in seemingly affluent areas such as—dare I say it—Henley. The legislation will be accompanied by support to help local partnerships as they work together. The Bill embraces Scotland and Northern Ireland as well as Wales, and I am grateful for the support and help from both Administrations in the progress that we have made on the Bill.

Clause 15 is not, as one or two Members have suggested, a get-out clause. The only way of avoiding the duty to meet the targets under the Bill would be to repeal the legislation. Clause 15 is about how, not whether, the Government meet the targets, in a value-for-money way that is consistent with the needs of the wider economy.

Our vision of a fairer society in which no child is left behind, and every child has the chance to flourish, is one that I hope the whole House will embrace. The House will have appreciated the tribute paid by my hon. Friend the Member for Stroud to Peter Townsend, and I agree with him about Professor Townsend's huge contribution to drawing attention to the issue. Too many families are still on the edge of coping. There should not be, but there are, families who cannot afford to eat properly, keep their home warm or pay for basics such as school uniform or outings, let alone buy presents for birthday parties, as we have heard.

[Mr. Timms]

Children who grow up in poverty lack experiences and opportunities that others take for granted, and the exclusion that results can last for a lifetime. We can change that, and we must. The Bill is a key step, and I look forward to the detailed debates after the recess. I commend the Bill to the House.

Question put and agreed to.

Bill accordingly read a Second time.

CHILD POVERTY BILL (PROGRAMME)

Motion made, and Question put forthwith (Standing Order No. 83A(7)),

That the following provisions shall apply to the Child Poverty Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 3 November.

3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.—*(Helen Jones.)*

Question agreed to.

CHILD POVERTY BILL [MONEY]

Queen's recommendation signified.

Motion made, and Question put forthwith (Standing Order No. 52(1)(a)),

That, for the purposes of any Act resulting from the Child Poverty Bill, it is expedient to authorise the payment out of money provided by Parliament of—

(1) any expenditure incurred under or by virtue of the Act by a Minister of the Crown, and

(2) any increase attributable to the Act in the sums payable under any other Act out of money so provided.—*(Helen Jones.)*

Question agreed to.

CHILD POVERTY (CARRY-OVER)

Motion made, and Question put forthwith (Standing Order No. 80A(1)(a)),

That if, at the conclusion of this Session of Parliament, proceedings on the Child Poverty Bill have not been completed, they shall be resumed in the next Session.—*(Helen Jones.)*

Question agreed to.

Mr. Deputy Speaker: We have today received a message from the Lords. The Lords agree without amendment to the amendments made by the Commons to the Borders, Citizenship and Immigration Bill. We can therefore pass over motion 6 on the Order Paper.

Political Parties and Elections Bill

Consideration of Lords message

Mr. Deputy Speaker (Sir Michael Lord): The Lords do not insist on their amendments to the Political Parties and Elections Bill, to which the Commons have disagreed, but they disagree with the amendments proposed by the Commons in lieu of those amendments, and propose amendments in lieu of those Commons amendments, to which they desire the agreement of the Commons.

Lords message considered forthwith (Programme Order, 13 July).

9.28 pm

The Minister of State, Ministry of Justice (Mr. Michael Wills): I beg to move,

That this House does not insist on its Amendments Nos. 12A to 12F in lieu of Lords Amendments Nos. 11 and 12, and agrees with the Lords in their Amendments Nos. 12G to 12N in lieu.

As my right hon. Friend the Secretary of State for Justice made clear at the time, amendments 12A to 12F were not fully workable. The Government therefore tabled further amendments 12G to 12N in lieu. Those amendments have been agreed to today in another place.

The Government's amendments seek to address the legal, technical and basic operational deficiencies with the amendments moved by Lord Campbell-Savours. As such, should the amendments be agreed to, we would want to discuss carefully their implementation with the parties and the Electoral Commission in due course before the new restriction came into force.

Amendments 12G to 12N remedy some of the deficiencies in amendments 12A to 12F. They raise the permissibility threshold in relation to taxation status from £500 to £7,500, aligning it with the threshold at which a declaration will be required. That will be far easier for parties and donors to operate. We have required aggregation of donations above £500 which in aggregate exceed £7,500 in a calendar year to the same recipient. The amendments ensure that the new restriction applies to loans as well as donations. They also ensure that for the purposes of the aggregation provisions, donations and loans from the same source must be added together.

9.30 pm

We have made it clear that in the majority of cases, a party or other donee will satisfy the requirement to take "all reasonable steps" to verify a donation's permissibility if it receives a declaration from the individual in regard to taxation status. A party would be required to take further steps only if it had reasonable grounds to consider the declaration to be incorrect. We believe that that approach strikes the right balance by minimising the burden on parties and donors and ensuring a workable restriction.

Lords amendment 121 gives the Secretary of State power to make further supplementary incidental or consequential provision at the point of commencement of the new restriction.

I hope that the amendments will be accepted here, as they were in another place. They would be a proportionate and effective way of maintaining the spirit of the amendments originally tabled by Lord Campbell-Savours, and I commend them to the House.

Lembit Öpik (Montgomeryshire) (LD) *rose—*

Mr. Deputy Speaker: Order. Has the Minister completed his remarks?

Mr. Wills: Yes.

Mr. Jonathan Djanogly (Huntingdon) (Con): The amendments represent a clarification of the Government's new position—set out this time last week—in relation to exceptions to those who can constitute acceptable donors. In practice, they have been clarified on the Government's own terms, because of the deficiencies in their own amendments last week and not on the basis of any kind of consensus.

Once again we were given very little notice of amendments in the Government's rush to finalise legislation, but perhaps I should not be surprised, given that we received the Government's earlier amendments only six hours before we debated them in the House a week ago. That is not how we should be making the laws of this country. We expect to be given an opportunity to scrutinise the major changes in our electoral law that the Government propose.

The Government's performance has been chaotic and confusing. We are here to ensure that effective legislation is produced, and that means dealing with the incredibly detailed legal arguments involved in the amendments in a controlled and balanced manner. In its briefing on the amendments, the Electoral Commission itself says,

"we have not yet had time to analyse the amendments fully".

It is evident from the speed with which we received the amendments, and from the turnaround involved in dealing with them, that the Government have not had enough time in which to consider, in full, their implications and whether they work in practice. We are particularly surprised that the Government are bulldozing them through, given the lengths to which they went last week to secure a carry-over motion so that the Bill could be dealt with after the summer recess. I ask the Minister why, given the depth and complexity of the subject matter, the Government do not consider the issues that we have raised with them over the recess, and allow Parliament to produce effective and fully considered legislation when we return.

These latest amendments, which were debated in the other place this afternoon, attempt to improve technically the amendments that we debated last Monday on the permissibility of donations for those who wish to support our democracy but are currently resident overseas. Again, these amendments have been clarified on the Government's own terms. The Government have ignored a host of important issues, and have pressed ahead with the amendments in the face of strong arguments for our belief that the legislation is flawed.

A week ago, I presented a number of reasons for our inability to accept the fairness of the amendments. The fact remains that the clause will be extremely hard to implement, and we feel that it could be unreasonable to impose requirements that are so difficult to meet when the consequences are so draconian. This proposal may be an infringement of an individual's right to freedom of expression, it is likely to be contrary to EU law, it would certainly contribute to the isolation of UK citizens living abroad, it is contrary to regulatory principles, and it links political rights to taxation. Furthermore, it does

[Mr. Jonathan Djanogly]

not correctly address a mischief that the Political Parties, Elections and Referendums Act 2000 aimed to address, namely a clarification of the rules on party donations.

It is irrational to us that, having been presented with so many strong reasons why these amendments should not be passed, the Government are steam-rolling the matter through at almost 10 o'clock tonight. As I have said previously in the House, this is legislating on the hoof and we do not much like it.

There is a technical difficulty in trying to assess an individual's permissibility by reference to their tax status because, by its very nature, it is both changeable and retrospective. These new amendments are concerned with the individual's tax status in the "current tax year". I need not remind the House that the Secretary of State for Justice has said:

"It is...almost impossible to establish somebody's tax status, and particularly residence status, in the middle of a tax year."—[*Official Report*, 13 July 2009; Vol. 496, c. 61.]

Can the Minister explain how these provisions will work in practice and how the Government intend to regulate and enforce them?

Tonight the Government have come the full 180 degrees and completed their spectacular U-turn on the provisions. In brief, if I were to ask whether these amendments improve the drafting after the Government created such an appalling mess last week, I would say yes: on the Government's own terms they make bad law work better. But do these amendments attempt to answer the questions that we raised in order to provide effective, fair and workable legislation? No they do not.

As my noble Friend Lord Bates confirmed in the other place this afternoon, by tabling these amendments, the Government have created an anomaly in our electoral and tax law. A British citizen based overseas will be able to vote in our elections and can even stand in our elections, yet he cannot make a donation over £7,500 to a political party. The implementation of this bad law is going to be difficult given the technical issues and complexities involved, and we insist that the Government do not activate these provisions without the full review of their application that will be required.

David Howarth (Cambridge) (LD): Unlike the hon. Member for Huntingdon (Mr. Djanogly), I am pleased with the progress that the proposal has made through the two Houses, ever since an alliance of Liberal Democrats, Labour Back Benchers and Cross Benchers in the Lords put through an amendment in the name of Lord Campbell-Savours, against the wishes of the Front-Bench teams of the main two parties. It is true that what we are seeing is ping-pong, with the Government instigating both sides of the game, rather like *The Beano* character Billy Whizz, who was able to go around the table knocking the ball back to himself and playing his own game.

Mr. David Heath (Somerton and Frome) (LD): Or Forrest Gump.

David Howarth: Indeed.

There remain two particular issues about the workability, scope and breadth of the proposals that I would like to raise. I tabled a series of amendments in a different motion that I understand has not been selected. Nevertheless, there are still important issues for the Government to respond on.

The first is a change in the definition of the situation in which a declaration has to be made about tax status. The Government's first attempt at definition talked about someone who causes a donation to be made. In the amendments that the Government then tabled in the Lords, that was changed to an individual making a donation. That seems a much narrower definition.

There is a problem that was identified originally by the Government: these proposals do not in terms prevent donations from being made by companies. A lot of the controversy about large donations from abroad has been about companies making donations. It seemed that the Government were attempting to deal with that problem by using the phrase

"causing a donation to be made".

That phrase seemed at least to some of us to be applicable to the situation where an individual who controls a company caused that company to make a donation. However, in the new definition proposed by the Lords to us tonight, only an individual making a donation is covered. The use of the word "individual" seems to rule out the possibility of these provisions covering company donations.

I know the Government will say that in the situation where an individual gives money to a company with the intention of the company then giving that money to a party, that might count as the individual making the donation, but that is a very narrowly drawn situation which is rather unlikely to happen. What is more likely to happen is for an individual who controls a company to cause the company to make a donation, and the Government seem to have ruled out any control over that particular possibility. I regret that, if it is, indeed, the Government's intention.

Mr. Djanogly: The hon. Gentleman has just gone on at some length as to how this is applicable to companies, but it is my understanding that it never had anything whatever to do with companies. The Minister might like to say something about that in his winding-up speech.

David Howarth: Well, that is an issue that the Minister has to sort out. My belief is that if the original phraseology—causing a donation to be made—had been used, that could have applied to a situation where an individual who controls a company caused the company to make a donation. That would have been covered.

Martin Linton (Battersea) (Lab): Is the hon. Gentleman not aware that the Electoral Commission is looking into this particular point right now in relation to Bearwood Securities, to see whether that company is being caused to make a donation which would be against the existing political parties Act even without the very good amendment that is now before the House?

David Howarth: The hon. Gentleman raises the example that is in all our minds.

Mr. Deputy Speaker: Order. May I inform the hon. Gentleman that the Speaker has selected his motion for debate?

David Howarth: I am glad to hear that, Mr. Deputy Speaker, but I should explain that the amendments in my name simply carry into legislative effect the points I am making in my speech.

The second issue is to do with commencement. When will this law come into effect? Under the amendments in the form in which they have come back to us from the Lords, the provisions before us come into effect only when the Minister makes an order, which means they may never be brought into operation. My amendment on this issue would change that, so that these provisions would come into effect immediately the Bill receives Royal Assent.

I am raising this matter now because of a story that appeared in *The Observer* on Sunday about donors to the Labour party who turn out to be non-doms—non-domiciled. The headline read, "Tycoons pledge to stop bankrolling Labour if 'non-dom' tax bill passes". That is a reference to the Bill before us now. The paper gave a number of examples, including Lord Paul and Sir Gulam Noon, who, according to the story, might stop giving donations to the Labour party if the provision before us is brought into force.

It would be a very great shame indeed if the Government were getting cold feet about this provision because they had discovered its effects on the Labour party. The principle here is one that is meant to apply to all parties, and it is one that will affect all parties. It is a good principle: those who have distanced themselves from this country by being non-resident and non-domiciled in their tax affairs should not be allowed to influence the votes of others through making vast donations.

Mr. Andrew Robathan (Blaby) (Con): I am listening with great interest to what the hon. Gentleman is saying, but was there not someone who went to prison called Michael Brown—that might not be the right name—who gave a great deal of money to the Liberal Democrats, and was he not offshore somewhere and not paying tax in this country?

David Howarth: As I have said, the principle is one that might well apply to all parties. That is why in principle it should apply across the board. If hon. Gentlemen—they are all gentlemen on the Conservative Benches—just want to use this legislation in a partisan way, then they cannot be surprised if other parties take the opportunity to use the legislation in a partisan way against them.

I simply ask the Government to put on the record precisely when they expect to bring these provisions into force and, specifically, whether they intend to bring them into force before May next year.

9.45 pm

Lembit Öpik: The debates about representation and taxation have been well rehearsed, so I wish to make a single point that I sought to make in intervention on the Minister. My hon. Friend the Member for Cambridge (David Howarth) has exactly underlined the key issue. To those people who agree with the spirit of what is being attempted by this legislation it seems obvious that there is an opportunity to use loopholes to evade its intention. My question to the Minister is this: how does he believe that he can prevent the evasion of this legislation by those who use alternative means? Such means have been outlined by my hon. Friend and do not need repeating by me. It appears to me that those who are hellbent on avoiding the spirit of this legislation can still do so, for example, by using a company, as my hon. Friend has just highlighted.

Although these provisions may be an improvement, the Government have nevertheless probably left enough space to enable those who are absolutely determined to continue their current practices to do so, from a distance away from the United Kingdom. We can legislate for the spirit but we cannot legislate against bad faith without doing some more. I fear that even with the best of intentions, the road to hell will continue to be paved by bad donations.

Mr. Wills: It has been a short and interesting debate. The hon. Member for Huntingdon (Mr. Djanogly) got extremely indignant about these provisions, although I note that his party did not vote against them when they first came before this House. I shall be interested to see whether his indignation leads him to vote against provisions that he said are an improvement on last time, given that his party did not vote against them, either here or in the other place. As always, I am interested in his contribution and I shall be interested to see whether he takes this through to a vote.

The hon. Gentleman asked one specific question about the tax year definition. We recognise that in many cases "residence" and "domicile" are, in essence—or at least in large part—retrospective terms, so there are practical difficulties in linking the restriction to the current year. However, setting the qualifying point as the preceding year equally contains practical difficulties—we have reflected on that—and, in addition, would create a somewhat odd position, whereby a person who at the time of a donation knows themselves to be a non-resident and non-domiciled could still donate.

Although we recognise the difficulty for individuals and parties of a potential uncertainty about someone's tax status during the tax year, we have concluded that if a person wants to make a large political donation—in other words, one of more than £7,500—it is not unreasonable to require them to take steps to ascertain their current status. Her Majesty's Revenue and Customs already publishes guidance to help such people ascertain their status and, if they are in doubt, they could of course make a donation below the threshold.

The hon. Member for Cambridge (David Howarth) asked two specific questions, one of which was about "causing" donations, and I understand his concerns. May I say to him, distinguished lawyer that he is, that they were based on a misunderstanding of the intention behind the original amendments? The amendments tabled by Lord Campbell-Savours sought to require a declaration from an individual who makes a donation. We sought to achieve the same effect, and it has never been our intention, as the hon. Member for Huntingdon pointed out, to place a restriction on donations made through companies by these standards. Notwithstanding that, I am not even sure that the hon. Member for Cambridge is correct to say that if we used "cause" in the sense that he would like us to use it, it would capture companies. Even if he were correct, it is not the Government's policy to do that.

The hon. Member for Cambridge also asked when the arrangement would come into effect. As everyone who has spoken so far has mentioned, these are complex

[Mr. Wills]

clauses that raise considerable practical difficulties. It is the intention of this House and the other place that the spirit of these clauses should be put into effect, and that is what we are endeavouring to do, in keeping with our longstanding policy of pursuing consensus on these matters. Given their complexity, we are practically unable to commence provision before the summer of 2010, so we are not proposing to commence the arrangements before then. Equally, we are not envisaging undue delay after that date. I hope that that will give the hon. Gentleman some comfort about our intentions in this matter.

The hon. Member for Montgomeryshire (Lembit Öpik) made a brief but powerful contribution about evasion and he said that what is being proposed would not prevent those who were "absolutely determined" to evade the provisions. He is right: there is no legislation that will make it certain that we can prevent people from evading who are determined to do so, but we have made the intention behind these provisions clear here and in the other place, and we expect all political parties and donors to abide by that.

Question put and agreed to.

Business without Debate

DEFENCE

Motion made, and Question put forthwith (Standing Order No. 118(6)),

That the draft Armed Forces (Court Martial) Rules 2009, which were laid before this House on 8 May, be approved.—*(Helen Jones.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

That the draft Armed Forces (Civilian Courts Dealing with Service Offences) (Modification of the Criminal Justice Act 2003) Regulations 2009, which were laid before this House on 8 May, be approved.—*(Helen Jones.)*

Question agreed to.

Motion made, and Question put forthwith (Standing Order No. 118(6)),

That the draft Court Martial (Prosecution Appeals) Order 2009, which was laid before this House on 2 June, be approved.—*(Helen Jones.)*

Question agreed to.

HALLMARK

Motion made, and Question put forthwith (Standing Order No. 118(6)),

That the draft Hallmarking Act 1973 (Application to Palladium) Order 2009, which was laid before this House on 24 June, be approved.—*(Helen Jones.)*

Question agreed to.

REGULATORY REFORM

Motion made, and Question put forthwith (Standing Order No. 18(1)),

That the draft Legislative Reform (Limited Partnerships) Order 2009, which was laid before this House on 2 June, be approved.—*(Helen Jones.)*

Question agreed to.

Select Committee on Reform of the House of Commons

Mr. Speaker: I advise the House that I have selected the amendment in the name of the hon. Member for Thurrock (Andrew Mackinlay).

9.53 pm

The Parliamentary Secretary, Office of the Leader of the House of Commons (Barbara Keeley): I beg to move,

(1) That a Select Committee be appointed to consider and make recommendations on the following matters:

(a) the appointment of members and chairmen of select committees,

(b) the appointment of the Chairman and Deputy Chairmen of Ways and Means;

(c) scheduling business in the House;

(d) enabling the public to initiate debates and proceedings in the House; and

(e) such other matters as appear to the Committee to be closely connected with the matters set out above,

and to report on these matters by 13 November 2009;

(2) That the Committee also consider such other matters as may be referred to it from time to time;

(3) That the Committee consist of eighteen Members;

(4) That Mr Graham Allen, Mr Clive Betts, Mr Graham Brady, Mr David Clelland, Mr David Drew, Natascha Engel, Dr Evan Harris, David Howarth, Mr Michael Jack, Mr Greg Knight, Mr Elfyn Llwyd, Mr Chris Mullin, Dr Nick Palmer, Martin Salter, Dr Phyllis Starkey, Mr Andrew Tyrie, Dr Tony Wright and Sir George Young be members of the Committee;

(5) That Dr Tony Wright be Chairman of the Committee;

(6) That the Committee have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House; to adjourn from place to place, to report from time to time and to appoint specialist advisers;

(7) That this Order be a Standing Order of the House until the end of the present Parliament.

On 10 June, the Prime Minister announced in a statement to the House his support for the proposal by my hon. Friend the Member for Cannock Chase (Dr. Wright), the Chairman of the Public Administration Select Committee, to set up a new Committee to consider reform of the procedures of the House of Commons. The motion before the House today gives effect to that proposal by establishing a Committee to make recommendations on the appointment of members and Chairmen of Select Committees, the scheduling of business in the House, and enabling the public to initiate debates and proceedings of the House.

This Committee will be an important step at looking at how the reform of parliamentary procedure can achieve stronger accountability of the Government to Parliament through a larger role for Back-Bench Members and the wider public. There have been earlier versions of this motion which attracted amendments. Because we are keen to proceed on the basis of consensus for this Committee, we withdrew the motion in order to see if we could reach a compromise with the hon. Members who tabled those amendments. Most recently, we accepted the amendment tabled by the hon. Member for Christchurch (Mr. Chope) and this is now part of the motion before the House today, at paragraph (1)(b).

Mr. Christopher Chope (Christchurch) (Con): I am grateful to the Minister for accepting my amendment, which had cross-party support on an important issue. However, the explanatory memorandum has not been updated to reflect the fact that my amendment has been accepted by the Government. Can the Minister explain that, or put it right?

Barbara Keeley: I am sure that the issue was shortage of time, and I apologise for any shortcomings in the explanatory memorandum.

Mr. Greg Knight (East Yorkshire) (Con): The Minister has been forthright with the House in indicating that she agrees with the amendment proposed by my hon. Friend the Member for Christchurch (Mr. Chope) and she has incorporated it in the motion, but can she indicate to the House her attitude and that of the Government to amendment (a)?

Barbara Keeley: I shall come to that question in a moment, if Members will give me a chance.

As we have reached agreement on a number of issues, I hope that the Committee can report quickly so that the proposed reforms can be considered for implementation early in the next Session. The three areas originally put forward for specific consideration are in the motion under paragraph (1):

"(a) the appointment of members and chairmen of select committees...

(c) scheduling business in the House"

and

"(d) enabling the public to initiate debates and proceedings in the House".

We have made specific concessions in response to two of the amendments tabled to the original motion, and I shall speak about them briefly.

First, we have dropped the reference to timetabling "non-Government" business. I accept that it is likely in practice that any changes to the arrangements for scheduling non-Government business could have an impact on Government business, which is why we felt it sensible to accept that amendment. We remain firmly of the view that the Government of the day should have adequate opportunities to put their business to the House and, subject to the will of the House, to get their business through. I hope the Committee will accept that as an indication of the kind of recommendation that the Government are likely to view favourably.

Secondly, I know that some prospective members of the Committee were concerned about its terms of reference being drawn too narrowly. We have therefore inserted in paragraph (1) new subsection (d), which will allow the Committee to consider other matters that are "closely connected" with the main subjects referred to it—[Hon. Members: "It's paragraph (e)."] Okay. Our intention is that it should be a contingency provision to allow the Committee to consider consequential changes to areas of procedure that flow naturally from its principal recommendations.

Peter Bottomley (Worthing, West) (Con): The Minister confirms that since another sub-paragraph was included, paragraph (1)(d) has become (1)(e), and I think that is what she is referring to. Does she agree that it would have been slightly more elegant if the Committee had been allowed to elect its own Chairman?

Barbara Keeley: We are talking about a proposal from my hon. Friend the Member for Cannock Chase (Dr. Wright).

I shall recommend that the House resist the amendment tabled by my hon. Friend the Member for Thurrock (Andrew Mackinlay). First, it involves a substantial issue in its own right and I do not think it would be wise to add further items to the Committee's agenda for the very short period before it reports. More importantly, the proposal for Ministers in another place to appear before this House has implications for the work of both Houses and that is, therefore, not an area in which a Select Committee of one House could come to a set of recommendations that would be acceptable to both Houses.

Mr. Mark Harper (Forest of Dean) (Con): I am interested in the fact that the Minister says there will be only a short period, because it seems to me that there are four months before the Committee is due to report. We do not believe all that nonsense in the papers about going on holiday for 82 days: the Committee is perfectly able to sit during the summer recess and reach its recommendations. Given that the Committee is due to report by 13 November—a specific date five days before the state opening of Parliament—can the Minister confirm that if it makes specific recommendations the Government will consider them and put proposals before Parliament in the Queen's Speech so that they can be passed in the new Session of Parliament and take effect at the earliest opportunity?

Barbara Keeley: I very much hope that the work of the Committee will bring fruit in terms of reform in the next Session.

Finally, I have been impressed by the strength of feeling on both sides of the House—as is evident here tonight—in support of the work of the new Committee. I hope that the Committee can conduct a focused inquiry that will bear fruit in terms of reform, and I commend the motion to the House.

9.59 pm

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): Many Members present agree that the business of the House can and should be planned and handled much better than it is at present. Many also agree that we could improve the existing Select Committee system. There is general consensus on the need to do more to re-engage the Commons with the public, particularly given the low esteem in which Parliament is currently held. For our part, Conservative Members have been proposing such changes for quite some time. Our party's democracy taskforce—

10 pm

The debate stood adjourned (Standing Order No. 9(3)).

Mr. Speaker: Order. I apologise for having to interrupt the shadow Deputy Leader of the House and for interrupting the flow of his eloquence in the process. We will return to him before very long. At this point, the House will understand, the appointed hour of 10 o'clock having been reached, there are two motions with which we need to deal before we can continue the debate. The first is on the subject of deferred divisions, and it may be for the convenience of the House simply to explain that the motion about to be moved by the Vice-Chamberlain of Her Majesty's Household will be moved in moderately amended form, in recognition of the fact that the motions relating to Defence and to Hallmark in the names of the Secretary of State for Defence and the Minister for Business, Innovation and Skills have already been addressed.

DEFERRED DIVISIONS

Motion made, and Question put forthwith (Standing Order No. 41A(3)),

That, at this day's sitting, Standing Order No. 41A (Deferred divisions) shall not apply to the Motion in the name of Ms Harriet Harman relating to the Select Committee on Reform of the House of Commons.—*(Helen Jones.)*

Question agreed to.

BUSINESS OF THE HOUSE

Motion made, and Question put forthwith (Standing Order No. 15),

That, at this day's sitting, (1) consideration of any Lords Messages that may be received and (2) the Motion in the name of Ms Harriet Harman relating to the Select Committee on Reform of the House of Commons may be proceeded with, though opposed, until any hour.—*(Helen Jones.)*

Question agreed to.

Main Question again proposed.

10.1 pm

Mr. Vara: To recap, broadly speaking, Members are of the view that there ought to be some review of the Select Committee system and the procedures of the House.

Conservative Members have been talking about the issue for quite some time. Our party's democracy taskforce, chaired by my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke), has made several suggestions to re-energise proceedings in the House. My right hon. Friend the Leader of the Opposition has specifically called for more powers to be returned to Parliament and, in particular, for Committee Chairmen to be selected by Back Benchers and for Committee proceedings on Bills to be free from the influence of the Whips. That is where much of the detailed work is done, and it is felt that Back Benchers should have freedom to operate on their own merits, rather than be pressured by Whips. I welcome the fact that all those matters fall under the remit of the proposed Committee. I know that Members serving on the Committee—certainly Conservative Members—will be pressing for such constructive reforms to help rebuild our parliamentary system.

It is also right that the new Select Committee should be time-limited. That will ensure that it does not supplant the role of the Procedure Committee, and will concentrate minds on the limited time available in which to draw conclusions and report back.

I am pleased that the Government accepted the amendment tabled by my hon. Friend the Member for Christchurch (Mr. Chope). Given the delays and lack of proper consultation in the run-up to the tabling of the motion, it was perhaps the least that the Government could do in the circumstances.

The amendment in the name of the hon. Member for Thurrock (Andrew Mackinlay), raises a very valid point. The recent growth in the number of Cabinet Ministers,

and junior Ministers too, in the other place, and the ever-expanding titles of the First Secretary of State make the subject extremely topical. There is justifiable concern in all parts of the House about how we can ensure that the Government are properly and effectively held to account. No doubt Members will have their own views on the amendment itself, and it will perhaps be for the Chairman of the Committee to suggest that the question of making Members of the other House accountable should be looked at in another way. I suspect that given the time constraint—although I hear what my hon. Friend the Member for Forest of Dean (Mr. Harper) said earlier—and the fact that the Committee has no members from the other House, the issue may need further consideration.

It is also worth pointing out that the way in which the motion has been handled beggars belief. It is a simple motion that is supposed to improve the efficiency of the House, yet the manner in which it has been handled has been slipshod, to put it mildly. The Prime Minister said in his statement in June that the Government would

"work with a special parliamentary commission".—[*Official Report*, 10 June 2009; Vol. 493, c. 797.]

Given the number of existing Select Committees well qualified to deal with the issue, such as the Modernisation Committee and the Procedure Committee, it is regrettable that yet another Committee has had to be set up. The problem was compounded by the fact that the Prime Minister did not consult anybody in advance on a matter that is basically House business. All that seemed to be of concern to him was his press release.

Then there was the indecisiveness. Less than 24 hours after being tabled, the motion was withdrawn. On 26 June, the Deputy Leader of the House told us, as is recorded in column 967 of *Hansard*, that that was done so that there could be consultation and the motion could proceed on a "consensual" basis. Given that two weeks had passed since the Prime Minister's statement, there had already been plenty of time for consultation. Clearly the Government preferred not to be consensual at that point.

Only now are we finally getting the chance to debate the establishment of a Select Committee on the reform of the House, some seven weeks after the Prime Minister's announcement, in which he spoke of proceeding with these matters as an "urgent imperative". We are now faced with having to debate this important matter after 10 o'clock on the day before the summer recess. I very much hope that the new Committee will take that as an example of how proceedings in this House should not operate in future.

10.6 pm

Mr. David Heath (Somerton and Frome) (LD): I very much welcome the fact that we are finally debating the motion, albeit in an amended form. However, the revolutionary zeal with which the original proposal was made has rather evaporated in the mean time. I hoped that we would have a genuinely root-and-branch reform of the way this House works, because many things need to be addressed if we are to make it more effective and more relevant, and work better for the interests of our constituents. I thought that the proposal for the new Committee might be a vehicle for some genuinely radical reforms of procedures. It may still be that, but the way in which the Government have gone about it has been extraordinarily disappointing and, in the end, rather enervating.

Not to consult about the original motion in advance indicates everything that we need to know about how the Government do their business. The motion was quintessentially a House matter, where we needed support from all parts of the House, yet there it was, appearing on the Order Paper at 24 hours' notice, as much as to say: "Like it or lump it—this is the way it is going to be done." When some of us tabled amendments immediately on reading the motion, because we realised that it would not do the job that was expected of it, it was withdrawn, so we were left without the very Committee that we were all so keen should be set up.

Barbara Keeley: As I have already said, the motion was withdrawn to allow for consultation. It is rather churlish of Opposition Members to deny that consultation. We withdrew the motion so that we could incorporate ideas and amendments into it.

Mr. Heath: The motion was withdrawn because it was incompetent, because it did not have the support of Members in all parts of the House and because, had my amendment been put to the vote, it would have been supported by Members in all parts of the House and the Government would have been defeated. That is why the Government withdrew the motion in the first instance. All that could have been avoided if they had simply picked up the phone to a few people from all parts of the House and said, "What do you think of this motion? Do you think it would do what you hope it would?" However, I am afraid that organising that proved to be beyond the abilities of the business managers of the Government party.

Mr. Bernard Jenkin (North Essex) (Con): I understand the hon. Gentleman's frustration; indeed, I signed his amendment. It would have been refreshing, in a way, if the Government had allowed his amendment to be debated and then accepted it or been defeated. My only problem with his approach is that there is a tendency on the part of Front Benchers to feel that if they make a few phone calls, there has been consultation. There are 646 Members of this House who often feel left out of such consultations, and I regard the to-ing and fro-ing on the Order Paper as a rather refreshing change. I would not dismiss the generosity of the Government in the way that they eventually handled this.

Mr. Heath: "Eventually" is the operative word. I was at pains not to say "two phone calls" because that would indeed have been the usual channels deciding between themselves what was right for Back Benchers. Instead a lot of people who had expressed an interest in the matter could have been involved at an early stage in what was proposed, and we could have had a consensual motion before the House.

I do not decry the fact that the Government eventually took away their motion and incorporated my amendment; it would be extraordinarily bad-tempered and unpleasant of me not to welcome that. What I find inexplicable, though, is that having agreed that that was what was going to happen, it took the Government from 26 June to this very day to find any time whatsoever in the parliamentary timetable to enable the motion to be debated so that we could make a decision. Are they

[Mr. Heath]

really saying that in nearly four weeks we could not have found an hour and a half—that is all that it would have been needed—to debate this matter and get it through? Of course we could have done that. One of the paradoxes that several Members have commented on in recent weeks is that this motion is about trying to organise our business in a way that suits the House rather than the Executive, yet we have been prevented from debating it for three or four weeks because the Executive decided that the House could not have the time to discuss its business. That is a fundamental flaw in the Government's approach.

Mr. Harper: The hon. Gentleman is being overly generous to the Government in saying that they allowed this evening's debate. They allowed it to happen only because if they had not done so, and the motion had been objected to again today and tomorrow, they would not have got their business—because they were forced into it, not because they wanted us to debate the motion.

Mr. Heath: My difficulty with what the hon. Gentleman says is that this is not the Government's business but ours—it is the business of the House in reforming itself and making itself more relevant. I am trying to express my frustration at the fact that this debate has been held up by our not being allowed the modest amount of time that would have been required to have it at a much earlier stage.

The hon. Member for Cannock Chase (Dr. Wright) could have had his Committee up and running—it could have been doing its work and, in due course, have reported on everything that we wanted it to report on. Instead, it has been frustrated by the lack of time and the objections of Members. I do not object to the fact that the hon. Member for Christchurch (Mr. Chope) shouted "Object" every time that the motion came up, because he had every right to do so if he wanted to debate the matter; what was wrong was the fact that no time was then given to enable the debate to take place. That was entirely in the hands of the Government.

Mr. David Drew (Stroud) (Lab/Co-op) *rose—*

Mr. Heath: I was trying to be very brief, but of course I give way.

Mr. Drew: If the usual channels cannot discuss this, what do they discuss?

Mr. Heath: I am not a member of the usual channels. I do not know who they comprise of and I have no idea of how they reach their decisions—all I know is that they often bypass the wishes of most Members of this House. That is what is wrong, and that is why we need a proper business Committee, which I hope will be determined to be the right course of action. That Committee should set out the business of the House in a way that facilitates debate, ensures that we deal with the issues that are important to Members of this House, and does not frustrate the Government's business—that would not be the purpose of a well-organised Committee—but allows the House to debate properly, in good time, the things that are considered to be important and that Members feel that they need to express their constituents' opinions on.

Sir Alan Beith (Berwick-upon-Tweed) (LD): Was my hon. Friend not worried when the Government, in their presentation of their reason for permitting the widening of the motion, said that the consideration of non-Government business might impact on Government business? They did not recognise that the House as a whole had a legitimate interest in the issue of how effectively Government business is considered. Although the Government have the right to bring their business before the House, the House must have the capacity to decide how it can most effectively examine it.

Mr. Heath: My right hon. Friend is absolutely right. Of course, that is the crux of the matter. The question is whether we are a self-confident legislature that organises its own time, hears what the Government have to say and gives the Government the opportunity to put forward their legislation while not artificially avoiding the opportunities for them to get their business through. However, at the same time, we must be prepared to do justice to the people we represent by debating in this Chamber what we want to debate, not what the Executive feel fit for us to debate—and, more importantly, what they feel is fit for us not to debate, which is the situation at the moment.

Sir Nicholas Winterton (Macclesfield) (Con): While I entirely agree with the comments made by the right hon. Member for Berwick-upon-Tweed (Sir Alan Beith), does the hon. Gentleman not agree that the only way that this House can achieve what he has set out is to take control of Standing Orders? That is critical if we are to do what this House wants.

Mr. Heath: I absolutely agree with the hon. Gentleman. First we take Standing Orders, then we take business. The two are consecutive and, to some extent, simultaneous. Without one, we cannot control the other. That is what this debate is all about—it is about this House getting up off its knees and reclaiming its position as the Parliament of the people of this country, which is able to control its own business. This position is not anti-Government of any description; it is simply a pro-Parliament position. Parliament must have its say, and must be able to do so on its own terms. I hope that that is what the Committee will enable it to do and that it will get to work in the very near future.

I am pleased with the specific amendments that have widened the reference to the scheduling of business to include all business in the House, so that the Committee can consider other matters that appear to it to be relevant. I am perfectly content that the amendment originally tabled by the hon. Member for Christchurch has now been incorporated into the terms of reference.

As for the amendment tabled by the hon. Member for Thurrock (Andrew Mackinlay), we will hear his reasoning in a few moments. I know perfectly well the point that he is making, because it is a point that I have made from these Benches, too. It is simply not acceptable to have junior messengers sent to this House to tell us what the policy is in major Departments of State, particularly when one Department of State appears to have swallowed up whole other Departments within the machinery of government without our ever being given a rationale for why that should be. It seems right that we should find a way in which a Secretary of State appointed by this

Government can answer directly to this House. Whether it is right for this Committee to do that in its first consideration, I do not know. That will be a matter for the Committee to decide when it considers its priorities. I note that the reporting date is 13 November, but I am absolutely clear and confident that that matter needs to be addressed. The amendment is as good a vehicle as any other for addressing it, and I look forward to hearing what the hon. Gentleman has to say.

Given that 13 November has propinquity, as has been pointed out, to the Queen's Speech, I wonder what will happen if we prorogue early. Perhaps the Deputy Leader of the House can tell us and can make it absolutely clear that the Committee's report will be considered by the House at the first opportunity, that it will form the basis of proposals and that its recommendations will be put to the House. I do not mean we should consider those recommendations that the Leader of the House thinks might be appropriate, but that the recommendations of the Committee should be put to the House without being redacted. We want no blank spaces or black lines on the recommendations of the Committee when we consider them. When they come before the House, I hope that there will be a genuinely free vote so that every Member can exercise their own judgment and discretion about how we operate in this Chamber and will not be subject to inappropriate pressure from the Whips, the payroll or anybody else. On that basis, I support the motion.

10.19 pm

Andrew Mackinlay (Thurrock) (Lab): I beg to move amendment (a), line 3, at end insert—

'( ) arrangements for Ministers who are members of the House of Lords to respond in this House to questions for oral answer and to pilot legislative proposals through this House on matters within their Ministerial responsibilities.'.

I am grateful to you, Mr. Speaker, for selecting the amendment because it is important to me and many other Members who have, in the past, expressed support for the principles in it.

The amendment does not tell the Committee that it should allow Ministers who are Members of the House of Lords to appear here, but asks it to examine the proposal. I am dismayed and disappointed by the Leader of the House's refusal to accept my amendments, especially when she accepts those of the hon. Member for Christchurch (Mr. Chope), which are doubtless very good. I wonder what I have done to offend Front Benchers. I emphasise that the amendment involves a reference rather than an instruction to the Committee.

I am surprised because after the most recent Government reshuffle, I know of many hon. Members—particularly but not exclusively Labour Members—who were dismayed by the volume of Ministers who are now in another place. Some hon. Members were appalled by that. Personally, I simply want to have access to the Ministers—those who are in Government and have Executive authority. There is a powerful case for claiming that Ministers do not have to be members of the legislature; the important principle is that the legislature has access to them. Perhaps that is to go too far tonight, but I simply want to probe and examine the conduct and stewardship of Departments by Ministers, whether they are in the House of Commons or the House of Lords. Probing and examining the Executive is one of our primary duties.

Mr. Harper: Given that I suspect that the hon. Gentleman's view is shared by many hon. Members, does he plan to take the temperature of the House and press the amendment to a Division? He would get much support if he did.

Andrew Mackinlay: If hon. Members will join me in the Lobby and help me with Tellers, I will be pleased to press the amendment. Even if I were not able to persuade the House tonight because of party loyalties and so on, it would send a definite signal to the Government that the matter needs to be addressed and to many Committees of the House that might have an opportunity to examine it. However, I hope that I would win. I appeal to hon. Members to reflect on the fact that we are considering House of Commons business, which is our property.

The Deputy Leader of the House said that the matter was also the business of another place. However, I know Members of the House of Lords who share my view. I suspect that if one of our colleagues in the other place raised the matter there, Baroness Royall would say, "I can't accept this because it might offend Members of the House of Commons." That is nonsense. If the matter were referred to the Committee, the House of Lords would clearly be consulted. If it collectively had an overriding objection, it would communicate it to the House of Commons. However, I believe that reference to the Committee would be welcomed in another place because it would thus also have access to Ministers, who are the architects of legislation that has to pass through the House of Lords, but is simply dealt with by somebody called a Lord or Lady in Waiting.

Mr. Peter Bone (Wellingborough) (Con): Surely the Deputy Leader of the House fears nothing because the First Secretary, the noble Lord Mandelson, would be delighted to get back into this Chamber.

Andrew Mackinlay: I am coming to him. I invite particularly, but not exclusively Labour Members with long memories to reflect on the fact that when some of them entered politics—I did so a long time ago; some did so much more recently and have been through various parties, moving from left to right, but we will not go there—the Labour party under Hugh Gaitskell and later under the Leader of the Opposition, Harold Wilson, deprecated the fact that the Foreign Secretary was in the House of Lords. Lord Hailsham had a significant science portfolio at the same time. When Ted Heath became Prime Minister, Alec Home returned to the House of Lords as Foreign Secretary. More recently Michael Foot, and I believe some Members who are present, derided the fact that Lord Carrington was a Cabinet Minister in the House of Lords. I invite Labour Members to be consistent, not to waver, because they have deprecated this situation in the past.

You will recall, Mr. Speaker, that there was also a man called Lord Young in Margaret Thatcher's Government—the man who brought her solutions. He had a very senior portfolio, not dissimilar to Lord Mandelson's. It was called something different, but basically it meant he was responsible for trade and industry. His membership of the House of Lords was deprecated by the Labour Opposition, who said we should have access to him. That is in the living memory of some Members who are sitting here tonight and of

[Andrew Mackinlay]

some who are absent despite the fact that they have been anointed and appear on the motion as members of the Committee. People need to reflect on that.

Now we have a new invention called GOATs—Ministers in a Government of all the talents. We have had a man called Digby Jones, a Lord Carter, a Lord Ryde Pier of Spittle, or Spithead, or whatever it is, and Malloch-Brown, who I incidentally thought was a breath of fresh air. [HON. MEMBERS: "Gone."] But he is gone.

As well as those GOATs, who are here today and gone tomorrow, there are some junior Ministers in the House of Lords whose names I do not know and whom, as a Labour MP, I have never met. I think that it was just before you became Speaker, Mr. Speaker, in the last Prime Minister's Question Time under Speaker Martin, that I referred to junior Ministers who act in the other House for the Secretary of State—the architect of legislation and the person who presides over the Government's policy—as "superior parrots". I did not mean that disparagingly, but I was illustrating the point that when a junior Minister is acting for a Secretary of State who is not in the same House, all they can do is repeat what has been handed down to them in a brief. They cannot exercise discretion and say, "We will accept that amendment", or "We will come back to it on Report", because they are frightened of doing so. It would improve our legislative process if the architect of a piece of legislation were to pilot it through both Houses.

That is quite apart from parliamentary questions, where even more so, the more junior the Minister, the more nervous he or she is about saying anything constructive. I appeal to colleagues that to consider the matter would be a common-sense approach.

Lynne Jones (Birmingham, Selly Oak) (Lab): Would that not require the Prime Minister and Lord Mandelson to pilot every Bill?

Andrew Mackinlay: Not so, because this works both ways. There are still a number of distinguished Ministers in the House of Commons, and they would be able to go to the House of Lords. There are also some very significant Ministers in the House of Lords. Until a few days ago our Minister with responsibility for the UN and the middle east was Lord Malloch-Brown, and I understand that Lord West of Spithead is the Security Minister. Colleagues and comrades should pause and think about it: this is the elected House of Commons, and we do not have access to the Minister who is in charge of national security. Surely that is both breathtaking and an abdication of responsibility by this place.

Mr. William Cash (Stone) (Con): Given that the hon. Gentleman refers to senior parrots, would he therefore characterise Lord Mandelson as a senior cockatoo?

Andrew Mackinlay: I do not want to go down that road, but one thing that I acknowledge is that Lord Mandelson could certainly cope in this place. He did before, and he could do so again as a Lord. However, I postulate the view that there are some Ministers in the House of Lords who could not cope here. They would not stand up to the grilling that this House still gives Ministers on occasion. They would not be able to cope, and that is not satisfactory. They are being kept from us, and some of them would not be prepared to be Ministers here, because they would burst into tears if they came here. That is the reality. They would not pass muster.

The Minister tells us that there was consultation. I was waiting for her to say "My hon. Friend the Member for Thurrock could have come along," but she did not. In a way, I did consult, and I am disappointed that my point was not taken on board. If Members look at the *Hansard* of 17 June, they will see that I put the issue to the Prime Minister at Question Time. With characteristic precision, and without indecision, the Prime Minister agreed with me, and told me to refer the matter to the Committee that we are discussing. That was his reply. If the Prime Minister says to me that the issue should come before the Committee, it is not unreasonable to assume that the wonderful Ministers would put that into the wording of the motion.

Mr. Harper: I sense a way out of the dilemma: now that the hon. Gentleman has put it to Labour Members that his amendment implicitly carries the endorsement of the Prime Minister, he should test the will of the House. He will be even more successful than he would have been five minutes ago.

Andrew Mackinlay: As hon. Members know, it is put about that the Prime Minister is indecisive, but that is a travesty; on that occasion he was decisive—he told me to refer the matter to the Committee, but Ministers still have not picked the matter up.

I come to my last point. The fact is that the proposal is not rocket science. In the vast majority of parliamentary bicameral legislatures around the world, Ministers appear in both Houses, arguing for their legislation, and defending their stewardship of their Department. That is true of many, but not all, Parliaments that are modelled on Westminster throughout the Commonwealth. I am a bit of an anorak—a student—when it comes to Irish political history. The Republic of Ireland very much still has a Westminster-style constitution. The Northern Ireland House of Commons and Senate, which endured from 1920 to 1972, had, until 1972, a provision whereby Ministers appeared in both Houses. Today, Ministers appear in both Houses in the Oireachtas of Ireland. Dail Eireann Ministers appear in the Senead, and on the few occasions when there have been Senead Ministers, they have appeared in the Dail Eireann. The proposal is not world-shattering, and it does not require lengthy consideration. Why do we not just do it? The answer is: because this place is so deeply conservative.

What causes me the most regret is that the most conservative element, when it comes to change and constitutional innovation, are my party's Front Benchers. I could burst into tears with the frustration of it. It really is bad. I invite all hon. Members, left right and centre, to join me in the Lobby and to support my modest, sensible amendment, which does not say that such a change will take place; it just says that the Committee will consider it.

10.32 pm

Sir George Young (North-West Hampshire) (Con): Not for the first time, the House is indebted to the hon. Member for Thurrock (Andrew Mackinlay) for raising

a serious constitutional issue. He is right to say that over the past few years, in Government, there has been a shift in the centre of gravity of decision making from this House to the other place. That shift has been focused in the Treasury and the new Department for Business, Innovation and Skills. That raises issues of accountability, which he touched on with his normal frankness and candour.

I should like to qualify what the hon. Gentleman said about precedents. I think that I am right in saying that when my party had Cabinet Ministers in the House of Lords, there was a Cabinet Minister in the Commons who answered with them or for them. In the case of Lord Young—no relation at all—my right hon. and learned Friend the Member for Rushcliffe (Mr. Clarke) was in the Cabinet and answered for the Department in the Commons. The criticism that I would make of the present Government is that they have not replicated that pattern of having Cabinet-rank Ministers in the Commons, accountable to this House.

I have a lot of sympathy with the point that the hon. Member for Thurrock raised, and we need to look at it. My only reservation, given the amount of time that the proposed Committee has already lost, is whether we can do justice to the important issue that he raises in the remaining time available to us, or whether the subject is of such importance that it deserves separate scrutiny of its own, so that it can be looked at in depth. If it is tagged on to the responsibilities already proposed, we may not be able to do the subject justice.

In my brief contribution, I want to make three points. First, we should be grateful for small mercies: just before the House rises for the recess, the Government have at last found time for a debate, so that we can get this show on the road. As the hon. Member for Somerton and Frome (Mr. Heath) pointed out, it would have been perverse if a Committee set up to make better use of the time of the House could not start working because the Government had denied it the time to do so. I am glad that we are now going to look at this. As my hon. Friend the Member for North-West Cambridgeshire (Mr. Vara) said, the democracy taskforce, on which I have served, has been brimming with ideas that I hope will be fed into the new Committee.

The Deputy Leader did not really explain why we need a new Committee. We have a Select Committee on Procedure, chaired by my right hon. Friend the Member for East Yorkshire (Mr. Knight), and a Select Committee on Modernisation. The latter cannot be described as being overworked, because it has not met for more than a year. The terms of reference for the proposed Committee fall neatly within those of either the Procedure Committee or the Modernisation Committee. The Deputy Leader did not explain why we need a new vehicle, which has had to be constructed and assembled, causing some seven or eight weeks' delay, when we have two vehicles already on the road and ready to go. They could have started work on this process immediately. Indeed, the Procedure Committee has already looked at one of the subjects that are to be addressed by the new Committee—namely, engagement with the public and e-petitions.

My ingenious solution—which I am sorry the Government did not adopt—was to dismiss as Chairman of the Modernisation Committee the Leader of the House, who has no business being Chairman of a Select Committee of the House, and parachuting in the hon. Member for Cannock Chase (Dr. Wright) as its new Chairman. That would have saved everyone a lot of time, we would have benefited from his energy and ideas, and we could have started work some seven weeks ago. But that idea was not acceptable to the Government.

My last point is about the delay. We have lost about half the sitting time of the new Committee because of the delay in setting it up. There was an inelegance—to put it at its mildest—in the lack of consultation and in the delay in getting the show on the road. We are now going to have to work at double time to catch up the time that we have lost. We are also going to have to sit during the recess. The hon. Member for Cannock Chase has set a cracking pace for his Committee, in setting the agenda and convening a huge number of meetings.

The real test will be what happens to the Committee's work when it has reported. I have to say that the signals over the past seven weeks, given the difficulties we have faced getting this far, do not augur well. I hope that the Minister will give us a specific commitment that, before we rise for the Christmas recess, there will be a substantive debate in Government time, with a free vote on both sides of the House, on all the recommendations of the Committee. That would give us time to resolve the matter and get the new machinery up and running in the tail end of this Parliament. I hope that the Minister will understand that the mood of the House is one of impatience and of anxiety to make progress, and I hope that when she replies to the debate—which could happen tomorrow, given the number of Members who want to speak—she will give a very positive response to the points that I and other right hon. and hon. Members have made.

10.38 pm

Mark Fisher (Stoke-on-Trent, Central) (Lab): I congratulate the Government on at last giving us time to discuss this vital Committee. I also congratulate them and the House on setting up the Committee and on choosing an extremely good Chair, who I believe has the support of all parts of the House, and an excellent membership of people with a great deal of interest in, and experience and knowledge of, these matters.

The matters that we are giving the Committee to discuss are of historic importance, because they will correct the imbalance that has been growing since the House gave up control of its own agenda and allowed the Executive to determine the business of the House in order to break the impasse on Irish reform. For the past 120 years, we have been on a sliding slope, and over the past few years we have been mere ciphers. In my 26 years as a Member of this House, we have effectively been a rubber stamp for the Executive, and we must now assert our own distinct identity.

This is a matter not of attacking the Government, but of understanding that the role of the House is separate and distinct from that of the Government. The Government are elected to introduce a programme of legislation and to recommend taxation, and it is our job to scrutinise them—but it is our job to do so in our time, and in our way, and not at the behest of the Government.

That is why it is important not only that we set up this Committee to look at the business of the House, but that the Committee understands the definition of "the

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business of the House", which includes everything for which the Government do not have a mandate, especially the nature and method of scrutiny. That is why the House must not only elect Select Committees but be in control of scrutiny. It is our job to scrutinise the Executive, not the Executive's job to tell us who should be on Committees, when they should sit or when there should be a vote.

We have allowed the Executive to dominate this House increasingly for the last 100 years. At last—thanks to this Government, thanks to the Committee chaired by my hon. Friend the Member for Cannock Chase (Dr. Wright) and thanks, I am confident, to the work that it is going to do—we will have an opportunity to correct that imbalance and have a proper relationship between this House, which is scrutinising the Government, and the Government, who are getting on with the work of the Executive. The two should be in proper tension. I am confident that with the business Committee and the election of Select Committees and their Chairs, we will make enormous strides towards getting a proper relationship between this House and the Executive. If we do that, we will be doing something of enormous historic importance. I hope that the Committee will be set up and will report. I am confident that it will and that it will do an extremely important job.

10.42 pm

Mr. Bernard Jenkin (North Essex) (Con): I believe that the hon. Member for Stoke-on-Trent, Central (Mark Fisher) is unnecessarily modest about his own role in bringing the House of Commons to this point. He is chairman of a cross-party group: we call ourselves Parliament First, and we have been agitating for Parliament to have a greater role and a greater say in its own affairs. We have a list of aspirations—"demands" would put it too strongly—to put Parliament back at the centre of our national life. The hon. Gentleman has played a welcome role in that. His warm words for the Government in bringing us to this point are all part of the consensual atmosphere that we need to generate around this proposal.

It struck me as odd that while we were attempting to set up a Committee to strengthen the House's control of its business and its Select Committee, the Government imagined that that could be achieved without debating the motion. It is, as the hon. Member for Somerton and Frome (Mr. Heath) said, an irony that underlines the gulf between those in government or who aspire to government and the rest of this House.

There was a failure of imagination among those on the Treasury Bench. They thought that simply accepting the amendments and including them in the motion would obviate the need for debate, but that was to underestimate what this House thinks of itself, and, indeed, what my hon. Friend the Member for Christchurch (Mr. Chope) thinks of himself. I think that he was unfairly criticised in *The Guardian* leading article today. His behaviour was not bizarre; it was principled. He insisted that if we were to strengthen the House, we should do it by the proper procedure and on the basis of debate.

Mr. Harper: One thing that our hon. Friend the Member for Christchurch (Mr. Chope) has achieved is to provide an opportunity for a large number of members of the Committee, including its Chairman, to listen and gauge the feeling of the House, which will inform the way in which they conduct the Committee. If for no other reason than that, it was surely worth having a debate in this Chamber.

Mr. Jenkin: My hon. Friend is entirely right about that point.

The importance of this moment is that it grows out of the crisis that we have all endured as a result of the publication of our expenses and allowances. That issue did not just excite public anger; it was a lightning conductor for the fury felt by many people—not just about how politics has been conducted in this country in the past 10 or 15 years, but, as the hon. Member for Stoke-on-Trent, Central said, about a trend reflecting, particularly in the post-war era, the ever-increasing ascendancy of party over the individual judgment of Members of Parliament.

What is the House of Commons, or Parliament, for? Surely we exist for three fundamental purposes: to check the abuse of power by the Executive; to ensure that legislation is properly scrutinised and is fit for purpose; and to ensure that taxpayers' money is spent wisely and efficiently. In all honesty, has the House been doing a good job over the past 10, 20 or 30 years? Actually, we have been doing less and less of that job. More and more legislation goes through without being debated. Fewer and fewer Supply debates are about Supply and scrutiny of the Executive's expenditure. It has become harder and harder to check the power of the Executive, as more power has been handed over to agencies, quangos, the courts, Brussels or the European Court of Human Rights. Whatever part of the House one comes from, one can choose one's list of organisations to which power is handed over, which destroys the accountability and authority of the House.

I put it to those on the Treasury Bench, and to anyone who aspires to sit there, that there is a fundamental truth about our democracy: the weaker that Parliament becomes, the weaker the Governments who derive from Parliament become. It is an irony that respect for politics and politicians has declined as the power of the House of Commons has declined. I do not dismiss the difficulty of exercising representative democracy in a world in which 1.5 billion people are on the internet and expect their say over every issue, in what we now call the network world. The world is very different from that conceived by, say, the 1832 reformers, or by Edmund Burke, who coined the immortal phrases about representative democracy and Members exercising their judgment on behalf of their constituents in the national interest, rather than being their delegates.

Ultimately, the more complicated government and politics become, the more inevitable it is that those who devote their lives to politics and to service in Parliament will have to exercise their judgment on behalf of the 99 per cent. of the population who are far too busy leading a normal life to worry about the things that we worry about.

Mr. John Hayes (South Holland and The Deepings) (Con): Is not the deeper irony that as the process described by my hon. Friend has occurred—Parliament has become more emasculated—expectations of both Government and individual MPs have grown? Does not

that deep irony lie at the heart of this debate, and of the wider debate that has taken place over the past few weeks and months?

Mr. Jenkin: My hon. Friend makes an extremely apposite point, and I do not hold an instant answer to the problem he raises. The demands on individual Members of Parliament are less and less to conduct ourselves as national politicians in this Chamber, and more and more to act as super-ombudsmen and super-councillors—as representatives of our national Parliament in our constituencies, as opposed to representatives of our constituents' interests in Parliament. That is the context in which the Committee will have to conduct its investigations and inquiries and make its recommendations.

As result of the crisis that has occurred, we have all been humiliated—I have certainly felt humiliated. That has served as a reminder of the real purpose of each of our existences in the House. It has been telling to see exposed how ineffective we have become at performing our real task, which is to check the abuse of power, to check the legislation, and to check the expenditure of the Executive.

I feel that there is now a drive—a determination—in the House to put matters right. I do not want to raise expectations beyond what might be delivered by the Committee chaired by the hon. Member for Cannock Chase (Dr. Wright), but I believe that, of all the reactions to the expenses and allowances crisis, this is the most significant. It may be a small first step, but it is the most significant; and the most significant step that the Committee might recommend is one that would enable us to regain control over our own business.

For most of the period since the debate about Irish rule, the only constraint on Government business has been the power of delay. Even during the 1970s and 1980s, when the guillotine began to fall more and more often on Government business in order to expedite its progress, delay was still the weapon. When, as shadow Secretary of State for Transport, I conducted the Bill that became the Transport Act 2000 through its Standing Committee, it was decided that we should delay the Bill for as long as possible on a particular point because we were so concerned about it. That kind of attrition is no longer available to the House. What is termed "modernisation"—and I think that even the most ardent advocates of modernisation would recognise that it has become a loaded term when connected with parliamentary reform—has come to mean emasculation. It has meant the withdrawal of that final sanction.

It is interesting to note that the former Leader of the House, now the Secretary of State for Justice, said during debate on the Parliamentary Standards Bill that he believed that Parliament had become more effective in recent years. He holds that belief because the number of Divisions that the Government have lost has begun to increase, despite the enormous majority that the Government have enjoyed in recent years.

Lynne Jones: Will the hon. Gentleman give way?

Mr. Jenkin: I will in a second.

I submit that the reason the Government are now losing Divisions is that the weapon of delay is no longer available. Whereas concessions used to be extracted through delay, the only way to force concessions now is by defeating the Government in the Division Lobbies. That may be a healthy development and a healthy response, but I do not think that it necessarily demonstrates that the House is working more effectively than it used to. The fact that so much legislation now passes through the House without debate and has to be scrutinised at length in the other place—and even the other place has a difficult job, given the present volume of legislation—leaves a serious gap in the armoury enabling our Parliament to hold the Government to account.

Lynne Jones: The hon. Gentleman has partly answered the question that I was going to ask. He has said that delay means that the Government may give way and concessions may be extracted. I do not want to return to that scenario; I should like Members to engage fully in the debate about legislation, and then vote according to the strength of the arguments. How can we ensure that, rather than returning to an old situation, we move forward to a situation of that kind?

Mr. Jenkin: The hon. Lady has led me precisely to my next point. The task of the business Committee will not be to return us to the war of attrition represented by the ludicrous all-night sittings of Committees and the whole House, although I believe that we lose something by our determination not to engage in such action. Here we are sitting at 10.55 on a Monday night, and I see no difficulty with our sitting late on occasion when there is pressure on the timetable and no other way of conducting our business.

It strikes me as extremely frustrating when stacks of Members want to speak in a debate and the Government limit it to five hours and will not lift the 10 o'clock rule to allow more Members to speak—and indeed more Members to speak at length. There may be an advantage in limiting speeches to 12, 10, eight or six minutes in one respect, but I believe that it destroys the real purpose of this Chamber, which is to debate the issues and to allow every Member to speak and to take part in those debates.

Sir Nicholas Winterton: Is my hon. Friend aware that, when the Modernisation Committee initially put forward its proposals for programme motions, it was intended that the programme motion should be discussed at least between the usual channels before it was taken immediately after the Second Reading Division and without debate. The decency of having some consultation before the programme motion was put down was withdrawn by the Government.

Mr. Jenkin: It is interesting that my hon. Friend should remind the House of that. It shows that efforts have been made to do programming in an intelligent way. I was an Opposition spokesman on the two devolution Bills at the beginning of this Government's term of office. Our great fear was that there was going to be an arbitrary guillotine that cut off debate on vast swathes of the Bill that we wanted to discuss.

We proposed to the Government that there should be timetabling of the devolution Bills. It was quite controversial at the time. Many of my colleagues in the House were quite cross that we should co-operate in that way, but we calculated where the knives should fall during the Committee stage to ensure that the really important bits of the Bill were discussed and debated at least in some form. I am bound to say that my experience of that was

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not entirely satisfactory. Often, a new amendment would be moved. The former Father of the House, that great opponent of devolution on the Labour Benches, Tam Dalyell, would start a debate on a new group on an aspect that none of us had thought of and the motion would be closed off instantaneously.

The purpose of a business Committee is to manage the business on behalf of the House and that includes managing the Government business. That was an important concession to extract from the Government. Its purpose is not to prevent the Government from obtaining their business, least of all their manifesto commitments, but to ensure that the House as a whole, including Back Benchers and the minority parties, have their say on Government proposals. Its purpose is also, if necessary, to provide the extra time by lifting the 10 o'clock rule and proposing changes to the business of the House—

Mr. Hayes: Will my hon. Friend give way?

Mr. Jenkin: I must press on, unless my hon. Friend thinks that it is an urgent matter.

For that reason, the business Committee must be composed of Back Benchers. There is a great temptation for the Government to insist that the Committee should deal only with non-Government business, that it will only deal with Government business because non-Government business impacts on Government business and that there must be a Whips majority from the Government on the Committee to ensure that the Government's business is obtained. That misses the point and misunderstands the spirit in which the hon. Member for Cannock Chase and his Committee will want to set up the Committee. It should not have a Government majority. It should be like a Select Committee. Perhaps it should be like the Committee chaired by my right hon. Friend the Member for North-West Hampshire (Sir George Young), the Select Committee on Standards and Privileges, which does not have a Government majority, to ensure that it does not become another means by which the Government control the business.

The Committee needs to discuss a lot of other matters. Why is it that only the Government can propose a business motion? Surely if we are going to control the business, either the business Committee or any Back Bencher should be able to put down a business motion. If there is sufficient support, it should be called for debate. As my hon. Friend the Member for Macclesfield (Sir Nicholas Winterton) said, why should the Government have a monopoly on proposing changes to the Standing Orders? If the business Committee is going to obtain control of the business of the House, it should surely be able to make proposals on Standing Orders. Indeed any Back Bencher should be able to put down a motion to change the Standing Orders.

There are some positive proposals on Select Committees. Anybody could provide a shopping list of things that need to be done. I think the Select Committees need to consider taking more business under oath. If we want our Select Committees to be respected, why do we treat our witnesses so casually? Why do we not ask them to swear in before they give evidence so that they respect Parliament and there is respect for what is said? In particular, those who serve in Government but are not Ministers should realise that they are answerable to this House and not to the people who provide them with the line to take.

I support the amendment tabled by the hon. Member for Thurrock (Andrew Mackinlay). It is quite a simple matter to bring Members of the other place to the Bar of this House, or, indeed, to the Dispatch Box, to account for themselves. The advantage of allowing more Ministers to sit in the other place—of allowing more GOATs, or more representatives of the Government of all the talents—is that we may finish up with fewer Members of this House on the Government payroll. I reminded the House a short while ago that before the second world war there were perhaps as few as 50 Members of this House on the payroll. Today, there are more than 140. If we want this House to be more independent, perhaps we should look at how many Members of it are on the Government payroll.

Just as with the Kelly inquiry, we should generally be minded to accept whatever proposals arise from the Cannock commission—if I may call it that. I realise that that puts a heavy responsibility on that Select Committee, but I believe the Government should appoint this Committee in good faith and we should do our best to make sure its proposals are implemented—and there should certainly be no whipping of either Back Benchers or Front Benchers on votes on those proposals.

11.2 pm

Mr. Graham Allen (Nottingham, North) (Lab): There have been a number of occasions in the past few weeks when some of us have actually seen a glimmer of what it might be like to be in a proper House of Commons. There were the debates on the Parliamentary Standards Authority. Anyone who sat through, or has read the record of, those debates would know that there were high-quality contributions from throughout the House that will stand the test of time. There have also been debates on the matter we are discussing now: the creation of a Select Committee to look at the reform of Parliament. We have had some unusual procedural niceties and some strange, quirky, individual additions to the democratic process, but there has also been an honest and open debate between colleagues—parliamentarians first, rather than members of the Government or the alternative Government. The quality has been there for people to see: it has been a glimpse of what the House could be.

The election a few weeks ago of the new Speaker was another such occasion. Regardless of which horse we had our money on, there was a sense of the House taking a decision, and of individuals not being whipped or being pushed in a particular direction. There was a sense of excitement about that decision being made. That should be our prerogative every single working day in this Parliament if, indeed, we are to be a Parliament worthy of the name—and, boy, we need to become that institution.

Reform is needed now more than ever. I see in the Chamber many of the old lags who have pursued the reform agenda along with me, but we are now joined by Prime Ministers and leaders of political parties, and the only reason why members or putative members of the Executive are queuing up to talk the talk about parliamentary reform is that Parliament itself has been exposed for what it really is in recent weeks. That is a

result of the revelations about allowances and such like. In themselves, they have not destroyed Parliament's reputation, but they have uncovered in the British people a contempt for Parliament because we are not relevant. What we are doing tonight by, I hope, allowing the hon. Member for Cannock Chase (Dr. Wright) to chair this Committee is allowing Parliament to take the first few faltering steps towards becoming relevant once again.

If we become relevant, people outside will forgive many things—they will not forgive everything—about this House. They will understand that we have a job to do and that we are not just here to claim the cash. They will say, "They are holding the Government to account and scrutinising law effectively, as they are meant to do." Throughout my 20-odd years in the House, try as I might I, like other colleagues in the House, have never been able satisfactorily to carry out those functions in the House of Commons. It is about time that we did so.

What we must do to establish those capabilities in the public mind is get the mechanics of how this House works right. We need to do two key things in that regard, both of which are addressed in the Government's motion. I congratulate them on tabling it, even though they did not do so because they wanted debate. They did not put the motion forward for debate, but they wanted the work to start, and they deserve credit for having put it that way. The only people who have held up the work starting are those who have found procedural niceties to get in the way. I am sorry, but that is the truth of the matter.

Let us not forget that people were elected to be members of the Select Committee, not Whips' narks, safe pairs of hands or people who have been lobotomised. They were elected by their own colleagues—that was certainly the case in the parliamentary Labour party and in the Conservative parliamentary party—and had their names put forward on behalf of their colleagues. Those who have wished to slow the process down are not so much acting on principle as flying in the face of their colleagues, who elected colleagues for the first time to a Select Committee. I say for the first time, because it is an important principle that colleagues can be elected to a Select Committee.

Mr. Harper *rose—*

Mr. Allen: I shall return to that point once I have taken the hon. Gentleman's intervention.

Mr. Harper: I cannot let that point pass. The work that my hon. Friend the Member for Christchurch (Mr. Chope) did in objecting has achieved significant changes to this motion. The original motion talked only of non-Government business and did not allow the Committee the power to look at the election of the Deputy Chairmen of Ways and Means. The Government accepted that only—

Barbara Keeley *indicated dissent.*

Mr. Harper: We all know this, so I do not know why the Minister is insisting otherwise. If all the Labour MPs who signed my hon. Friend's amendment had voted for it, they would have defeated the Government. That is the only reason why they accepted it—the Minister knows that and we know that. The hon. Member for Nottingham, North (Mr. Allen) is gallantly preparing some great covering fire for her, but she knows that it is not true.

Mr. Allen: My objective is not to defeat a Government of any political persuasion; it is to allow Parliament to exercise its rightful duties. That is why I want the Committee to be established, as we hope it will be at the end of the evening. The two main foundations that need to be put in place can be regarded as boring or technical, but they are fundamental—Governments know that, which is why they will fight hard unless it is put over in a very sensible and sophisticated way that change needs to take place.

The first foundation is the election of Select Committees. As I have mentioned, colleagues in this House have, without civilisation as we know it or the Government falling, managed to elect their own colleagues to a Select Committee. One tiny link in a very strong chain may just be breaking as a result of that precedent. In addition, very recently we have all been allowed to elect our own Speaker in this House, which again established a precedent. Why on earth can we not be treated as mature individuals who can elect our own Select Committees and who have the sense, as individual Members of the House, to make a decision about whom we regard with respect and who we feel could do a good job for us without the Government and the alternative Government making our minds up for us? It is up to us to seize that opportunity and to exercise that right. Unless we do that, we will continue to play the game in which the Government dictate every movement in this House, instead of individual Members of Parliament.

Mr. Chope: I am glad that the hon. Gentleman has the opportunity to participate in this debate. Does he have any insight into whether the Government will accept the result of the Committee's work when it reports? Surely that is the fundamental issue.

Mr. Allen: I would have thought that the Government will accept the recommendations of the Committee only if, first, its work is focused on its terms of reference and, secondly, it accepts that one of the fundamental tenets of this place is that the Government need to get their business. We need to consider the balance between Government business and non-governmental business. If we are silly enough to fail to make proper provision for Government of any colour to get their business, the Government will always command a majority and will blow out the recommendations of the Committee. Our responsibility is to reform the House—and, in so doing, to push the envelope as far as is humanly possible—but also to accept the practical and political realities of this place. Without a written constitution, if we challenge the Executive, they have the majority to overturn any recommendations, whether in November or December.

Mr. Jenkin: On the question of the election of Select Committees, does the hon. Gentleman think that paid members of the Executive should be able to vote in those elections?

Mr. Allen: I do not, but I am willing to listen to arguments from the Government and other colleagues on the Committee about whether that is a practical way forward. There are problems at the moment in getting

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sufficient people to serve on Select Committees. It may be that one of the answers is to have smaller Select Committees, but I hope that the Committee will have a chance to look at that point.

Mr. Hayes: The nub of the issue is how the Government exercise their power. The hon. Gentleman is right that the Government have not only a right, but a responsibility to get their business, but the exercise of power can be restrained by the prevailing political culture. Historically, that was a culture based on a modest, measured and moderate exercise of government, and respect for both sides of the House—and the Opposition in particular. That is the difference—the change in political culture.

Mr. Allen: What was accepted 100 years ago by gentlemen's agreement now needs to be enforced and put into writing so that we all know the rules. Clearly the Government must get their business, and that is their right, but Parliament must have its scrutiny and accountability, and that is its duty. We need to ensure a balance between the two. Both should be strong, capable partners producing better law and better accountability, as well as better value for money for the electorate. Working together as partners is something that the Government need to do, and a refreshed and re-energised Parliament would also need to play its part. Even in the best of times, it cannot be a partner if it says, "This is our view and we're going to have our way, come what may." The Government have done that for far too long and Parliament would be foolish to do that itself.

Barbara Keeley: May I clarify two points that have emerged again during my hon. Friend's contribution? Two different motions were proposed and the change to accept the amendment on scheduling business rather than just non-Government business was made first. The objection that held up the establishment of the Committee was not made at that stage but later, so my hon. Friend is right: the objections that have been made night after night have held up the work of establishing the Committee—[HON. MEMBERS: "No."] Yes, they have. Motions were proposed on two occasions and this is the second set of amendments. Secondly, my right hon. and learned Friend the Leader of the House made the point that she will be happy to schedule a debate to consider the Committee's report.

Mr. Allen: There has certainly been a lot of game playing, which we are often reduced to in this place. We are in the play pen. Often, we are not exercising proper scrutiny and accountability so we find ways to entertain ourselves. However, this is a serious moment when some reform could take place. Many of us thought such a moment would never come, but because of other events we are now in a position where some reform can take place and I very much hope that the House seizes that opportunity. In doing so, we must look at a second group of issues in the terms of reference relating to the business Committee. I shall say a few words about that and then sit down.

Mr. Graham Stuart (Beverley and Holderness) (Con) *rose—*

Mr. Allen: But first I give way to the hon. Gentleman.

Mr. Stuart: As the hon. Gentleman is to serve on the Committee, I encourage him to be as bold as possible. Does he believe that if a business Committee of the House had an entrenched Opposition majority, the Government would still be comfortable that they could get their business through?

Mr. Allen *rose—*

Mr. Deputy Speaker (Sir Alan Haselhurst): Order. I am sorry to delay the hon. Gentleman, but I have a sense that the House is getting ahead of itself and is debating matters that may, or may not, emerge from the Committee, if the Committee is set up by a decision of the House tonight. The only issue before the House tonight is whether to set up the Committee, not to start anticipating what the Committee may say. That debate will come in due time, so I counsel the House that we cannot go on having a debate about what may happen. The question that we have to decide tonight is whether or not the Committee is set up.

Mr. Allen: Indeed, Mr. Deputy Speaker. We all have a shopping list of personal parliamentary reform favourites—I have at least 10 on the Order Paper most days, as do a large number of colleagues. There is a need for discipline, given that we need to report in November on a strict timetable. That is why focusing on the election by secret ballot of Select Committees is very important. So too—finally—is the creation of a business Committee, which is something I and a number of colleagues will press in the Select Committee.

It is nonsense that the House cannot influence its own agenda—that every day the Order Paper is full of stuff from the Government that the House is meant to scrutinise and hold to account. That is an affront. It renders Parliament powerless, which is why when we have a problem—as we have in the past couple of months—we are seen as pathetic in the face of what the Government bring to the party. The Government do not only control our agenda; they can introduce a Parliamentary Standards Authority that could even abolish the right to speak freely and openly in the Chamber. Such unmitigated, unmediated power is the fundamental corruption of this place. It is not financial corruption, but political corruption, where our institution of freely elected individuals is controlled by Government. That balance has to change and it can change only if there is a business Committee that works closely with the Government but is not in the pocket or the pay of Government.

It is important that we create the Select Committee. It is important that we allow it to do its business. It is important that we have the discipline to focus on some of the key issues and that we move as swiftly as possible to a vote, if that is necessary, so that we have a Committee that can get on with the job of reforming the House of Commons.

11.19 pm

Sir Nicholas Winterton (Macclesfield) (Con): I am pleased to follow the hon. Member for Nottingham, North (Mr. Allen), although I do not take precisely the same position on the way in which the Government have operated in introducing the motion.

Can I please get from the Deputy Leader of the House a specific answer as to the question—initially asked by my right hon. Friend the Member for North-West Hampshire (Sir George Young)—why the Government did not consider referring this matter to the Procedure Committee and/or the Modernisation Committee? Both are respected Committees of this House and would have been able to do the job that we are talking about very adequately. I take my right hon. Friend's advice that the hon. Member for Cannock Chase (Dr. Wright) could have been appointed as the Chairman of the Modernisation Committee. As the longest-serving Conservative member of the Committee I have to say that I would have been honoured and privileged to serve under the hon. Gentleman's chairmanship. I hope that I speak with some authority on this matter, having chaired the Procedure Committee for two Parliaments, as well as having been on the Modernisation Committee since it was set up early in the Blair Government, in 1997.

Barbara Keeley: The answer to the hon. Gentleman's questions lies in what he is saying: those Committees will continue. This is a time-limited Committee to look at a specific set of reforms that we hope can bear fruit in the next Session, which is a very different thing.

Sir Nicholas Winterton: We hope that that is the case. However, one can always be a little suspicious—I mean no disrespect to the hon. Member for Cannock Chase—when a Committee is established by the Government and the Chairman is automatically put forward by the Government. I hope that I am not in any way breaching the guidance that you gave the Chamber a few minutes ago, Mr. Deputy Speaker.

Mr. Bone: Are not the Government to be congratulated on getting so many people here and making no attempt to restrict the time for the debate, so that all Members will get a chance to speak?

Sir Nicholas Winterton: The Deputy Speaker has given some guidance, and I shall certainly endeavour to keep to that, although I believe that the criteria for the Committee—its mission as spelt out on the Order Paper—should be subject to some comment in this debate.

I am very pleased that the Liberal Democrat spokesman, the hon. Member for Somerton and Frome (Mr. Heath) took on board my intervention, in which I said that the House could take control of its business only if the House itself, or a Committee of the House, ideally under a Back-Bench Chairman, could draw up and table Standing Orders that governed how the House proceeds and how legislation is dealt with. Without that, all the wonderful euphemistic statements about what we hope to achieve cannot have results.

I say to the hon. Member for Cannock Chase that I hope that he will be a very aggressive Chairman. I hope that he will be—I say this with some difficulty—a radical Chairman, or could I say a traditional progressive Chairman, so that the right decisions will be taken.

That leads me to my second question to the Deputy Leader of the House. I think that she may have gone some way to allaying my concern, which is that all the recommendations of the Committee, when it reports to the House on or after 13 November, should be put to the House to be decided on a genuinely free vote. I say that with the Patronage Secretary looking at me with a friendly smile.

This has been said by a number of speakers already, but this House now has a unique opportunity to restore some integrity and independence to the Back Benches and to the Floor of the House, so that Members can again carry the confidence of their constituents.

Let me express another concern. I was delighted with the speech that the hon. Member for Stoke-on-Trent, Central (Mark Fisher) made. He leads the Parliament First group with great intellectual rigour and distinction, and he has done a great service to the House. I should, however, express my sorrow, and that of other Opposition Members, that he was not nominated as a member of the Committee, because he could bring great wisdom to it. I suppose that I should declare an interest, in that I am sorry that I was not included either, but perhaps I am in some ways a little too controversial. However, I have, with a combination of my heart and my head, the interests of this Chamber very much at the core of what I want done in the House before I leave in 10 or 11 months' time. If, with the other Back Benchers of the House, I can help to restore the integrity that the House needs to do its job properly, in order to deal with matters such as programming, which my hon. Friend the Member for North Essex (Mr. Jenkin) raised, we will have done a service.

The amendment in the name of the hon. Member for Thurrock (Andrew Mackinlay) is certainly worth serious consideration. I would not go quite as far as my hon. Friend in saying that I would support the hon. Gentleman if he pushed it to a vote, but it would do a great deal for the reputation of this House if important Ministers who lead critical Departments but who sit in the House of Lords were brought here to deal with important statements at the Dispatch Box in this Chamber. I do not believe that that would be an over-revolutionary idea. It deserves serious consideration, and I hope that the hon. Member for Cannock Chase will give it that consideration, whether or not the hon. Member for Thurrock presses his amendment to a vote.

Let us take this opportunity to do good to the House of Commons. It has gone through a difficult period. Many people feel very unhappy about the way in which the House and individual Members have been treated. Let us restore to the House the authority that will enable it to stand up, not only for its own interests, but against the too often overweening power of the Executive.

The Parliamentary Secretary to the Treasury (Mr. Nicholas Brown) *claimed to move the closure (Standing Order No. 36).*

Question put forthwith, That the Question be now put.

The House divided: Ayes 218, Noes 41.

Division No. 204] **[11.28 pm**

AYES

Abbott, Ms Diane	Battle, rh John
Alexander, rh Mr. Douglas	Bayley, Hugh
Allen, Mr. Graham	Beckett, rh Margaret
Anderson, Janet	Begg, Miss Anne
Atkins, Charlotte	Benn, rh Hilary
Austin, John	Benton, Mr. Joe
Bailey, Mr. Adrian	Berry, Roger
Baird, Vera	Betts, Mr. Clive
Banks, Gordon	Blackman, Liz
Barron, rh Mr. Kevin	Blackman-Woods, Dr. Roberta

Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Ms Dawn
Byrne, rh Mr. Liam
Cairns, David
Campbell, Mr. Alan
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Clwyd, rh Ann
Cooper, Rosie
Cousins, Jim
Crausby, Mr. David
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Flynn, Paul
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gapes, Mike
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Grogan, Mr. John
Hain, rh Mr. Peter
Hall, Mr. Mike
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, rh John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Howarth, David
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lepper, David
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
McCabe, Steve
McFadden, rh Mr. Pat
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McKechin, Ann
McDonnell, John
McGovern, Mr. Jim
McIsaac, Shona
McGuire, rh Mrs. Anne
McNulty, rh Mr. Tony
McAvoy, rh Mr. Thomas
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Munn, Meg
Murphy, rh Mr. Jim
Naysmith, Dr. Doug
Norris, Dan
O'Brien, rh Mr. Mike
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Spellar, rh Mr. John
Stewart, Ian
Straw, rh Mr. Jack
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Taylor, David
Taylor, Dr. Richard
Thomas, Mr. Gareth
Timms, rh Mr. Stephen
Todd, Mr. Mark
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Watts, Mr. Dave
Whitehead, Dr. Alan
Wicks, rh Malcolm
Wills, rh Mr. Michael
Winnick, Mr. David
Winterton, rh Ms Rosie
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wright, Dr. Tony

Tellers for the Ayes:
Mr. John Heppell and Mary Creagh

NOES

Barrett, John
Beith, rh Sir Alan
Breed, Mr. Colin
Davies, Mr. Dai
Davies, Philip
Duddridge, James
Dunne, Mr. Philip
Foster, Mr. Don
Fraser, Christopher
Gidley, Sandra
Goodwill, Mr. Robert
Hancock, Mr. Mike
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heath, Mr. David
Hollobone, Mr. Philip
Holmes, Paul
Hughes, Simon
Huhne, Chris
Jenkin, Mr. Bernard
Kennedy, rh Mr. Charles
Knight, rh Mr. Greg
Leech, Mr. John
Lidington, Mr. David
Mackinlay, Andrew
Price, Adam
Robathan, Mr. Andrew
Russell, Bob
Sanders, Mr. Adrian
Stuart, Mr. Graham
Stunell, Andrew
Thurso, John
Turner, Mr. Andrew
Vara, Mr. Shailesh
Watkinson, Angela
Williams, Stephen
Winterton, Sir Nicholas
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Mr. Christopher Chope and Mr. Peter Bone

Question accordingly agreed to.

Mr. Harper: On a point of order, Mr. Deputy Speaker. Given that the title of the motion is "Select Committee on Reform of the House of Commons", how can the fact that the Government allowed only an hour and a half for debate and the Chairman of the Committee voted in favour of the closure give Back Benchers any confidence? Is that not an abuse of the House, and does not it negate what we have just voted on?

Philip Davies (Shipley) (Con): Further to that point of order, Mr. Deputy Speaker. In your opinion, is it not wrong that the person who was responsible for the

debate in the first place—my hon. Friend the Member for Christchurch (Mr. Chope)—was unable to make a speech, when people who had been against such a debate—

Mr. Deputy Speaker: Order. The hon. Member must not question the decisions of the Chair about who is called to speak in the debate. Responsibility for terminating the debate lay with the Chair on accepting the closure motion. The Chair does not have to explain decisions, but some might think that it was fairly obvious why it was reasonable to conclude the debate at that point.

Question put accordingly, That the amendment be made.

The House divided: Ayes 52, Noes 202.

Division No. 205] **[11.42 pm**

AYES

Abbott, Ms Diane
Barrett, John
Beith, rh Sir Alan
Breed, Mr. Colin
Chope, Mr. Christopher
Davies, Mr. Dai
Davies, Philip
Drew, Mr. David
Duddridge, James
Dunne, Mr. Philip
Fisher, Mark
Foster, Mr. Don
Fraser, Christopher
Gidley, Sandra
Goodwill, Mr. Robert
Hancock, Mr. Mike
Harper, Mr. Mark
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heath, Mr. David
Hollobone, Mr. Philip
Holmes, Paul
Howarth, David
Hughes, Simon
Huhne, Chris
Jenkin, Mr. Bernard
Jones, Lynne
Kennedy, rh Mr. Charles
Knight, rh Mr. Greg
Leech, Mr. John
Lidington, Mr. David
McCafferty, Chris
McDonnell, John
Mackinlay, Andrew
Munn, Meg
Prentice, Mr. Gordon
Price, Adam
Robathan, Mr. Andrew
Russell, Bob
Sanders, Mr. Adrian
Stuart, Mr. Graham
Stunell, Andrew
Taylor, David
Taylor, Dr. Richard
Thurso, John
Turner, Mr. Andrew
Watkinson, Angela
Williams, Stephen
Winterton, Sir Nicholas
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Ayes:
Mr. Peter Bone and Paul Flynn

NOES

Alexander, rh Mr. Douglas
Allen, Mr. Graham
Anderson, Janet
Atkins, Charlotte
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Banks, Gordon
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr. Nicholas
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Butler, Ms Dawn
Byrne, rh Mr. Liam
Cairns, David
Campbell, Mr. Alan
Caton, Mr. Martin
Cawsey, Mr. Ian
Challen, Colin
Chapman, Ben
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Cooper, Rosie
Cousins, Jim
Crausby, Mr. David
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davies, Mr. Quentin
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Fitzpatrick, Jim
Fiello, Mr. Robert
Flint, rh Caroline
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Gapes, Mike
George, rh Mr. Bruce
Gilroy, Linda
Goodman, Helen
Griffith, Nia
Grogan, Mr. John
Hain, rh Mr. Peter
Hall, Mr. Mike
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Healey, rh John
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Howarth, rh Mr. George
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Ingram, rh Mr. Adam
Irranca-Davies, Huw
James, Mrs. Siân C.
[illegible]kins, Mr. Brian
[illegible]son, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Khan, rh Mr. Sadiq
Kidney, Mr. David
Kilfoyle, Mr. Peter
Knight, rh Jim
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lepper, David
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
McCabe, Steve
McFadden, rh Mr. Pat
McCarthy, Kerry
McCarthy-Fry, Sarah
McKechin, Ann
McGovern, Mr. Jim
McIsaac, Shona
McGuire, rh Mrs. Anne
McNulty, rh Mr. Tony
McAvoy, rh Mr. Thomas
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Murphy, rh Mr. Jim
Norris, Dan
O'Brien, rh Mr. Mike
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pope, Mr. Greg
Prentice, Bridget
Primarolo, rh Dawn
Prosser, Gwyn
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Mr. Andrew
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Soulsby, Sir Peter
Spellar, rh Mr. John
Stewart, Ian
Straw, rh Mr. Jack
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Tami, Mark
Thomas, Mr. Gareth
Timms, rh Mr. Stephen

Todd, Mr. Mark	Wills, rh Mr. Michael
Trickett, Jon	Winnick, Mr. David
Turner, Dr. Desmond	Winterton, rh Ms Rosie
Turner, Mr. Neil	Woolas, Mr. Phil
Twigg, Derek	Wright, Mr. Anthony
Ussher, Kitty	Wright, David
Walley, Joan	Wright, Mr. Iain
Waltho, Lynda	
Watts, Mr. Dave	**Tellers for the Noes:**
Whitehead, Dr. Alan	**Mr. John Heppell and**
Wicks, rh Malcolm	**Mary Creagh**

Question accordingly negatived.

Main Question put and agreed to.

Resolved,

(1) That a Select Committee be appointed to consider and make recommendations on the following matters:

(a) the appointment of members and chairmen of select committees,

(b) the appointment of the Chairman and Deputy Chairmen of Ways and Means;

(c) scheduling business in the House;

(d) enabling the public to initiate debates and proceedings in the House; and

(e) such other matters as appear to the Committee to be closely connected with the matters set out above, and to report on these matters by 13 November 2009;

(2) That the Committee also consider such other matters as may be referred to it from time to time;

(3) That the Committee consist of eighteen Members;

(4) That Mr Graham Allen, Mr Clive Betts, Mr Graham Brady, Mr David Clelland, Mr David Drew, Natascha Engel, Dr Evan Harris, David Howarth, Mr Michael Jack, Mr Greg Knight, Mr Elfyn Llwyd, Mr Chris Mullin, Dr Nick Palmer, Martin Salter, Dr Phyllis Starkey, Mr Andrew Tyrie, Dr Tony Wright and Sir George Young be members of the Committee;

(5) That Dr Tony Wright be Chairman of the Committee;

(6) That the Committee have power to send for persons, papers and records, to sit notwithstanding any adjournment of the House; to adjourn from place to place, to report from time to time and to appoint specialist advisers;

(7) That this Order be a Standing Order of the House until the end of the present Parliament.

Business without Debate

SITTINGS OF THE HOUSE

Motion made,

That, at the sitting on Tuesday 21 July, the Speaker shall not adjourn the House until any message from the Lords has been received, any Committee to draw up Reasons which has been appointed at that sitting has reported, and he has notified the Royal Assent to Acts agreed upon by both Houses.—*(Mr. McAvoy.)*

Hon. Members: Object.

REGIONAL SELECT COMMITTEE (WEST MIDLANDS)

Motion made,

That Dr. Richard Taylor be a member of the West Midlands Regional Select Committee.—*(Mr. McAvoy.)*

Hon. Members: Object.

REGIONAL SELECT COMMITTEE (YORKSHIRE AND THE HUMBER)

Motion made,

That Mary Creagh be discharged from the Yorkshire and the Humber Regional Select Committee and Mr. Austin Mitchell be added.—*(Mr. McAvoy.)*

Hon. Members: Object.

REGIONAL SELECT COMMITTEE (SOUTH WEST)

Motion made,

That Linda Gilroy be discharged from the South West Regional Select Committee and Roger Berry be added.—*(Mr. McAvoy.)*

Hon. Members: Object.

HUMAN RIGHTS (JOINT COMMITTEE)

Motion made,

That Mr. John Austin be discharged from the Joint Committee on Human Rights and Fiona Mactaggart be added.—*(Mr. McAvoy, on behalf of the Committee of Selection.)*

Hon. Members: Object.

PETITIONS

Travel Passes (Lancashire)

11.55 pm

Rosie Cooper (West Lancashire) (Lab): Despite West Lancashire borough council being a net gainer in the Government's concessionary transport scheme, older people and the disabled in my constituency are forced to choose between free bus travel and a discounted rail card, while their neighbours in Liverpool and Manchester have free bus and rail travel. To that end, I bring a petition to the House of Commons from the residents of West Lancashire and others. It states:

The Petition of residents of West Lancashire, and others,

Declares that the current arrangements of West Lancashire District Council force disabled people and those over sixty years of age to choose between a national off-peak bus pass and a discounted rail card; further declares that asking people to make a choice between these two items is not acceptable; and believes that local passholders should get a better deal, like their neighbours in Wigan and Southport.

The Petitioners therefore request that the House of Commons urge the Secretary of State for Transport to do all in his power to ensure that West Lancashire District Council changes its arrangements so that disabled people and those of sixty years of age are entitled to both a national off-peak bus pass and a discounted national rail card.

And the Petitioners remain, etc.

[P000399]

Public Transport (Lancashire)

11.57 pm

Janet Anderson (Rossendale and Darwen) (Lab): Rossendale Transport is the local authority-owned bus company that serves the Rossendale valley in my constituency and many of the surrounding areas. The local authority, Rossendale borough council, is now

considering whether to sell off the company. This has met widespread opposition in the local area, and particularly in my constituency, from all those who rely on the services of Rossendale Transport. I am therefore pleased to have this opportunity to present the petition of the customers of Rossendale Transport in my constituency. It states:

The Petition of the customers of Rossendale Transport,

Declares that the announcement by Rossendale Borough Council, that they plan "to test the market to ascertain the interest in Rossendale Transport Ltd" with a view to a possible sale of the company, is against the wishes of the thousands of people who have signed this Petition; notes that Rossendale Transport is one of the few local authority-owned bus companies which makes a profit; believes that if such a sale were to proceed, it could seriously jeopardise public transport services in the Rossendale Valley which are essential to those without access to a car, particularly the young and the elderly; and further declares that up to 200 jobs could be put at risk.

The Petitioners therefore request that the House of Commons urge the Government to take any necessary action to prevent Rossendale Borough Council from selling off Rossendale Transport.

And the Petitioners remain, etc.

[P000198]

Swine Flu

Motion made, and Question proposed, That this House do now adjourn.—*(Mrs. Hodgson.)*

11.59 pm

Christopher Fraser (South-West Norfolk) (Con): I am pleased to have secured this debate on what is an extremely pressing issue—even at this late hour. I have been trying to secure a debate for some weeks in order to raise concerns about our preparedness for swine flu. I had hoped to secure a more general debate so that colleagues could also contribute. I believe that the Government should have arranged for a debate in their own time, as these are very important issues, so it is pity that they were unable to do so.

Despite today's statement, there are still some issues that I would like to put to the Minister, reflecting comments made to me since the Secretary of State's update. We are experiencing the first global flu pandemic for 40 years. I commend front-line NHS staff and others in the health care sector. The UK death toll currently stands at 29, but the number is increasing. Each death has been a tragedy for friends and family, so I am sure that the Minister will join me in sending condolences to them all at what is an extremely difficult time.

I did not call this debate to whip up public anxiety or panic. All I want to do is try to get reassurance on a number of key issues, not least because of the extra pressures and costs placed on the NHS and the predicted drop in economic output as factories, offices and businesses cope with a reduced work force. The public, I believe, have a right to be as well informed as possible and I fear that conflicting advice and information from various sources have become a big problem.

The Secretary of State clarified advice for expectant mothers this afternoon, which was welcome. However, confusion still remains in other areas. To what extent are the Government liaising with the medical profession, charities and the media to ensure a consistent message?

Despite the fact that the UK initially adopted a containment strategy, it has the fifth highest number of cases of swine flu in the world. Does the Minister accept that this is because our containment strategy was not as effective as it could have been? Many of those who should have been given antiviral drugs—because they were infected or had come into close contact with someone who was infected—did not receive this treatment.

At the start of July, the number of confirmed cases of swine flu exceeded the number of doses of antivirals administered by more than 1,000. Does the Minister agree that if a proper containment strategy had been in place, the number of people receiving antivirals would have been far higher? Why were those with "suspected" swine flu not targeted alongside those "confirmed" with the illness? The Government also indicated that they would contain the virus by giving antiviral drugs to those who had been in contact with a swine flu victim. Yet figures from the start of this month show that antivirals had been given out to fewer than two confirmed contacts of each victim. Can the Minister explain how this demonstrates a rigorous containment strategy?

The Minister might argue that this strategy could have been pursued only for a limited period of time, and it is now necessary to move towards a strategy of

[Christopher Fraser]

"treatment", as the Government have done, but the World Health Organisation in a briefing note published only seven days ago states that all countries should, as part of their pandemic vaccination strategy,

"reduce transmission of the pandemic virus within communities."

Does the Minister believe the Government are heeding that advice?

I want to move on to discuss the concept of a national pandemic flu line. The Secretary of State said today that a flu line has become necessary only very recently. In their "A national framework for responding to an influenza pandemic", the Government said a flu line should be ready when the World Health Organisation raised its alert to level 5:

"During Phase 5, response plans must be ready for instant implementation and activated when required... the national flu line will be established".

When the WHO raised its alert to level 5 at the end of April, the then Health Secretary stated that a flu line would not be up and running until October. Will the Minister explain why the Government decided to ignore their own national framework? Does she accept that that has hampered the health care sector's ability to distribute antiviral drugs and information efficiently?

We are now told that a national pandemic flu service will be established by the end of this week. The service will include a website and call centres, but will only be an interim service. When will a full service be rolled out and how will it be different? The Secretary of State confirmed today that all Members would be given details about antiviral collection points in their constituencies this week. Will the Minister answer the question posed by my hon. Friend the Member for South Cambridgeshire (Mr. Lansley) about whether maximum distances to collection points will be agreed? That is hugely important in rural constituencies such as South-West Norfolk, and other constituencies across the country where vast distances must be travelled to attend hospital or a clinic, or even to visit a doctor. Will the Minister reassure me that the distribution strategy will not put unnecessary pressure on hard-pressed pharmaceutical wholesalers?

I also want to mention criticisms from health care professionals. GPs have made it clear that delays to the flu line have resulted in those with symptoms turning up at their local surgery instead of remaining at home, thus going against public health advice. They also say that the pressure put on surgeries by the "worried well" results in patients with serious health conditions finding it difficult to get appointments. Does the Minister recognise those extra pressures on local GPs' surgeries and community health centres?

A company specialising in respiratory medicines has also highlighted the likelihood of swine flu aggravating underlying health conditions, such as asthma. What contingency plans are in place to take account of increased demands for medical devices such as inhalers? What extra resources are being made available to NHS staff, who might face increased demands from patients suffering from other existing health conditions?

The Royal College of General Practitioners has accused the Government of giving conflicting advice to doctors and patients. GPs say that there has been a lot of confusion over prescribing Tamiflu, and there is a lack of clarity about how long a patient should be advised to remain at home after contracting the virus. Does the Minister agree that it is vital that the Government and the health care sector share a common approach?

On the vaccination programme, the Secretary of State suggested today that we could begin receiving supplies from August, yet the WHO has said that a fully licensed vaccine might not be available until the end of the year. Will the Minister confirm that the first doses of vaccine will have been fully tested? It is vital that we start a debate about what criteria will be applied for prioritising certain vulnerable groups for early vaccination. That debate needs to start now, in a sensitive and considered manner, well before vaccination is made available, so that the public are clear about who will receive initial doses. How will decisions on priority groups be reached? Who will be consulted, and does the Minister accept that time might be running out for such consideration?

I now turn to forward planning. Sadly, experts agree that we have not seen the worst of swine flu. More people are expected to become infected. The death toll, alas, is expected to rise, and we should not underestimate the threat of a more virulent strain developing as the virus possibly mutates. The onset of autumn and winter will bring conditions that are far more conducive to the spread of the virus. Some experts have suggested that we should have sent more people to Mexico or the United States earlier, to gain vital information about the virulence and impact of swine flu. Does the Minister accept that point? Will we be sending people to, for example, Australia—which is in the midst of its flu season—to gain a better understanding of the way the virus may affect the United Kingdom during our winter?

There are other countries with lower death rates than the UK from which we can learn. In the context of the global nature of swine flu, I understand that some airlines have called for GPs to "certify" people swine flu-free before they fly. The British Medical Association is anxious for GPs not to have to bear any further burden, and to be able to spend time treating people rather than form filling. Can the Minister confirm that the latter will not become a requirement for them?

The chief medical officer for England has issued figures relating to a "worst-case scenario", which suggest that if 30 per cent. of the population contracted swine flu it could lead to some 65,000 deaths. He has stressed that those figures relate to a worst-case scenario, but even the Health Secretary's figure of 100,000 new cases a day by the end of August are cause for much concern throughout the House and our constituencies, and hence throughout the country. That number of cases could lead to around 1,500 hospitalisations a day, yet the Society of Critical Care Medicine says that the UK has the lowest number of critical care beds per 100,000 people in western Europe and north America. Although the matter was raised today by my hon. Friend the Member for South Cambridgeshire, he received no specific answers to his queries. What is being done to offset the potential pressures? What criteria are the Government applying to the cancellation of elective operations? Will hospital trusts be allowed to make their own decisions on the basis of local conditions?

I am aware that biocides have been developed to kill the swine flu virus through hand gels, sprays, diffusers and wipes, and that many other countries across the world are using those products in their fight to contain

the pandemic. I understand that some can be effective for up to a fortnight on treated surfaces, and that a hand gel will still be effective after two hours. Organisations could be required to use biocides. To combat MRSA we have all been required on occasion to use handwashes and wipes when visiting hospitals, and when there is an outbreak of foot and mouth disease we are required to put our boots and vehicles through anti-bacterial washes. What consideration has been given to the establishment of a campaign for public awareness of such products, or to ensuring that they are used in public areas such as schools and the transport network? In his advice to expectant mothers this afternoon, the Secretary of State cited good hand hygiene first. In the light of that, does the Minister accept the points that I have made about the wider use of licensed biocides?

We are in uncertain territory. The Home Secretary has said that the threat from swine flu could be worse than that from terrorism in terms of its impact on communities. As I emphasised at the start of my speech, I do not intend to cause undue panic, but the Government must be clearer about their plans. Delays to vital measures such as the national flu line have only served to reinforce the view that they may be under-prepared. People's lives depend on a robust and carefully thought-out strategy to deal with this pandemic, and I hope that the Minister can give me the assurances that my constituents and the public demand.

I know the Minister well, and I know that she will respond to me in good faith. If there are points that I have made tonight to which she cannot respond in the limited time available, I ask her—in good faith—to respond to them in writing before the House adjourns for the summer recess tomorrow. If she will do that, I shall at least be able to pass her responses to colleagues so that they can return to their constituencies in the knowledge that the Government have addressed these serious issues.

12.14 am

The Minister of State, Department of Health (Gillian Merron): I congratulate the hon. Member for South-West Norfolk (Christopher Fraser) on securing the debate on what is an important matter. I certainly undertake to answer any questions that I am unable to answer in the limited time I have available. I will endeavour to do as much as possible before the House rises. I am sure that he will understand that it might be difficult to meet his request, but I will get the answers to him as quickly as possible.

I agree with the hon. Gentleman about the need to reassure the general public. They are understandably concerned as cases of swine flu increase. I hope that he therefore welcomes the statement made today by the Secretary of State for Health, which dealt with a large number of the issues about which we have just heard. While recent weeks have seen a considerable acceleration in the rate of spread, it is important that I take the opportunity to stress that the basic nature of the virus has not changed. Swine flu has not become more dangerous. To give some perspective—I know that the hon. Gentleman agrees with me about the need to give perspective—as with seasonal flu, it remains a mild and self-limiting illness for the overwhelming majority of people, although it can be severe in a few cases. Of course, I again offer my condolences to the families and friends of those who have lost loved ones.

The basic hygiene advice to people is exactly the same today as it was some months ago, and it is worth reiterating. To help to limit the spread, people should sneeze into a tissue. They should dispose of it properly and wash their hands. To reduce the chances of catching the virus, people should wash their hands regularly. If they have flu-like symptoms, they should stay at home, check their symptoms on www.nhs.uk, or through the swine flu information line and then ring their doctor if necessary.

Soap and water is good enough, we believe. A leaflet has gone out to every household and information is available on the website. In areas where there has been a particular concentration of cases, extra and considerable efforts have been made in terms of communications. To answer the hon. Gentleman, hand gels are useful where it is not possible to get to a place to use soap and water but over and above that we regard that as a matter for individuals and not something that we are promoting.

I turn to the issue of NHS preparedness. Our health service has been preparing for a pandemic for many years, and the World Health Organisation has said that this country's preparations are among the best in the world. I summarise by saying that we prepare for the worst and we hope for the best. Our early efforts to contain swine flu by isolating cases, offering Tamiflu as a preventive method and shutting schools where necessary gave us a precious window of time to learn more about the virus, about which little was known, and to fine tune our preparations.

We stockpiled antivirals, so that we have enough to treat half the population, and will be increasing that to cover 80 per cent. in due course. We ordered more than 15 million additional courses of antibiotics to treat complications and they will be delivered over the coming months, as will the 226 million extra face masks and 34 million extra respirators that we have ordered to protect health and social care staff. We took major strides towards developing a vaccine, about which I will seek to give some reassurance.

The House will already know that the Department of Health has signed contracts with manufacturers to supply enough vaccine for the whole population. According to their delivery schedules, we should begin receiving supplies from August, with enough becoming available for at least 30 million people by the end of the year. Clearly we want the vaccine to be available as soon as possible but we cannot compromise on safety. I assure the House that we will take all necessary steps to ensure that the vaccine is appropriately tested.

It is interesting to note that, in preparing for a pandemic, appropriate trials to assess safety and the immune responses have been carried out on vaccines very similar to the swine flu vaccine. Those vaccines have been shown to have a good safety profile. Over 40,000 doses of the said vaccines, on which the swine flu vaccines are based, have been given without any safety concerns. There is no suggestion that the UK would use a vaccine without careful consideration of safety issues. We have one of the most successful immunisation programmes in the world and we intend to keep it that way. We are now planning the vaccination programme so we can start administering vaccines to priority groups including NHS and social care staff as soon as we get the green light to proceed, and we will continue to take the best independent scientific advice on all vaccination questions.

[Gillian Merron]

The hon. Gentleman asked how the decision on who gets the vaccine first will be made. As I have said, administering the vaccines will need to be prioritised, and we will make a decision when we know more about the risk profile. A decision on prioritisation of groups of the population will be taken on the basis of which groups are being most affected by the virus, when the vaccine arrives, and how best to protect the capacity of the national health service. Therefore, there are a range of factors to be taken into account.

Christopher Fraser: I am very grateful to the Minister for her clear answers to my questions. When decisions on prioritisation are taken, will local considerations be taken into account, so that the practitioners on the ground locally will have the final say?

Gillian Merron: We have to ensure consistency across the country, so we will act on the best medical and scientific evidence that we have got.

The Secretary of State outlined earlier how we would keep colleagues in the House informed on these matters during the recess, and I shall come on to that now. The Secretary of State confirmed earlier that, following our request, strategic health authorities will provide weekly briefings for MPs coinciding with the Health Protection Agency's national updates. They will cover the kinds of information that the hon. Gentleman requested, which are important to all Members as constituency MPs. The information will include the numbers of diagnosed and confirmed cases and of hospitalisations, updates on antiviral collection points, and local information on any clusters or other specific developments. There will also be a hotline number to the local SHA so that Members have a direct line to express any concerns, make any inquiries and establish what the position is locally. Local arrangements will vary across the country—the hon. Gentleman talked about his constituency being particularly rural—so this local contact is extremely important. I can also assure the House that the civil contingencies committee will meet weekly during the summer months and Ministers and officials will be in close contact and in dialogue with their counterparts in the devolved Administrations to ensure a consistent UK-wide approach.

The hon. Gentleman raised the important issue of the national pandemic flu service. We have always been clear that it would be virtually impossible to limit the spread of swine flu indefinitely, and in recent weeks it has become apparent that it is no longer effective to continue intensive efforts simply to contain the virus. As a result, we switched our emphasis to treating the increasing numbers getting the virus. I also wish to echo the comments of the hon. Gentleman and of my right hon. Friend the Secretary of State earlier by thanking all health workers both on the front line and behind the scenes who have been dealing with the increasing numbers of people with swine flu.

The national health service is coping extremely well and we should pay tribute to its ability to respond to times such as this. As the number of cases continues to grow, we will need to give extra support, so the national pandemic flu service will be instrumental in taking the strain off doctors' surgeries. When we took the decision to move from containment to treatment, we were clear that the service should be brought into play as soon as it was needed on the ground, so I should stress once again that the technology to launch the flu service has now been available for some time. We have been anticipating and waiting for the point when we saw a significant spread across many areas of the country before it became worth while and sensible to launch the service nationally.

What we have seen in recent days is exactly that eventuality, for which we have been planning and working. A significant acceleration in the spread has taken place, with 55,000 new cases of swine flu reported last week and an equivalent increase in pressure on front-line services. To give an illustration, on 8 July just six primary care trusts reported exceptional levels of flu-like illness, whereas one week later, on 15 July, the figure had increased to 110. It was at that point that the Secretary of State took the decision to activate the national pandemic flu service—the decision was based on demand, not on the availability of technology. This means that the service will go live in England by the end of this week, subject to testing, and will be accompanied by a major public information campaign.

After the launch, people will no longer need to ring their general practitioner if they suspect they have swine flu. Instead, they will be able either to answer questions online via the new website or ring the call centre service, where trained staff will be able to assess them over the phone. If swine flu is confirmed, they will then get an authorisation number, which their flu friend can use to pick up antivirals from local antiviral collection points. As I said earlier, hon. and right hon. Members will receive information on the location and number of collection points as part of a weekly update through their strategic health authority.

Christopher Fraser: Does the Minister accept that many people who feel vulnerable will naturally and instinctively wish to go to see their GP, rather than go online or make a telephone call? With respect, those services have historically not been as successful as they have been set out to be in the past. Added pressure will be put on GPs because people will instinctively still call them first.

Gillian Merron: That tendency is understood, which is why it is so important that this service has been fully tested and will work. It is important to remember that GPs themselves are asking for this, as are the SHAs and the PCTs; everyone across the NHS is saying, "This will help us." I know that the hon. Gentleman knows that if someone has the virus they should not go to their doctor's surgery, because they should be staying at home—I am sure that he promotes that approach in his constituency, as I do in mine. That is a very important, but I certainly agree about the need to reassure and give full communication.

The hon. Gentleman asked about the differences between the interim and the full service. An enhanced national pandemic flu service, based on the original flu line design, is still planned to be available by October. The key differences between the interim and the enhanced service are the following: the enhanced service will have increased functionality to provide greater verification of patients' identity against the database; it will have an

automated interactive voice response function, in addition to call centre handlers; it will allow authorised health care professionals to authorise an antiviral to a patient directly, without completing the full IT assessment process; and it will have an enhanced clinical algorithm, which will include separate pathways—separate ways forward—for adults and for children, with greater flexibility to alter the assessment process.

The hon. Gentleman asked about international work, and I can confirm that the Health Protection Agency and the Department of Health are in regular contact with colleagues around the world and with international organisations, such as the World Health Organisation, to ensure that we learn all the necessary lessons about how countries are responding to the pandemic and, indeed, to pass on our own good practice and share.

Containment did not fail—

12.29 am

House adjourned without Question put (Standing Order No. 9(7)).

House of Commons

Tuesday 21 July 2009

The House met at half-past Two o'clock

PRAYERS

[MR. SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

NEW WRIT

Stewart Hosie (Dundee, East) (SNP): I beg to move,

That the Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ—

The Parliamentary Secretary to the Treasury (Mr. Nicholas Brown): Object.

Mr. Speaker: As the motion is opposed, it will stand over until the time for raising matters of privilege after Questions.

Oral Answers to Questions

JUSTICE

The Secretary of State was asked—

Diversity (Judiciary)

1. **Keith Vaz** (Leicester, East) (Lab): What steps his Department is taking to increase levels of diversity in the judiciary. [288136]

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): Entry to the legal profession is now well balanced in terms of women and black and Asian people. That makes it all the more frustrating and paradoxical that, since the creation of the independent Judicial Appointments Commission in 2006, the data suggest that the situation for black and Asian people has, if anything, gone backwards. To provide more robust solutions and process, in April I established an advisory panel on judicial diversity and look forward to its report later in the year.

Keith Vaz: May I welcome that rather astonishing criticism of the Judicial Appointments Commission by the Secretary of State and Lord Chancellor? I agree with it—we have not made progress on judicial diversity and I was pleased that he appointed a panel to consider the issue. When does he think that its recommendations will be before him? How long will it take him to implement them and put right what has not happened with the Judicial Appointments Commission in the past few years?

Mr. Straw: I was not seeking to make an astonishing criticism of the Judicial Appointments Commission, but merely referring to the data, which—although there are big problems with some of them—suggest that the situation for black and Asian people has gone backwards. We want the panel on judicial diversity to consider carefully all the processes and bars on people who work their way through the profession to a certain point and then, whether they are women or black or Asian people, are discouraged from applying, or, if they apply, are less likely to be successful. That is particularly true of the more senior judicial appointments

Philip Davies (Shipley) (Con): May I urge the Secretary of State to avoid any form of political correctness in appointments to the judiciary? Is not it completely wrong to see people in terms of their race, gender or religion when judging them and offering them jobs? Surely all jobs, including in the judiciary, should be given on merit alone?

Mr. Straw: I can reassure the hon. Gentleman that I am the least politically correct person I know. Of course appointments should be made on merit, but there is something slightly insulting about the implication of his question—

Mr. Peter Bone (Wellingborough) (Con): No, no.

Mr. Straw: Yes, there is. There is something insulting about the implication of the question that there will not be well-qualified black or Asian people. The problems that women and black or Asian people face are similar but not the same: they are very well qualified when they enter the profession, but for all sorts of reasons they may be put off from getting to the starting line for the more senior appointments. Of course, when they are on the starting line for a circuit or High Court judge appointment, their merits should be assessed in the same way as anybody else's, but the problem is getting people to that point.

Mr. Speaker: May I say at the start of questions that the Secretary of State's enthusiasm always to engage with the question and respond fully is widely respected throughout the House, but comprehensiveness must not stray into prolixity?

Magistrates Courts

2. **Mr. Jim Cunningham** (Coventry, South) (Lab): How many magistrates courts have been in operation in each year since 2005. [288137]

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): The number of magistrates courts in operation at the start of each calendar year since 2005 is: 361, 361, 360, 358 and, to date, 356.

Mr. Cunningham: Given the reorganisation of magistrates courts in the past few years, will the Under-Secretary tell us what new initiatives have been piloted in them to tackle crime and its causes?

Bridget Prentice: I am grateful to my hon. Friend for his question because it allows me to highlight three areas where we have enjoyed particular success in

introducing innovative new approaches. The dedicated drugs courts have now been extended from the pilots in Leeds and west London to elsewhere in the country—indeed, I visited one in Salford not very long ago. Specialist domestic violence courts are being rolled out across the country. We now have 122 such courts, which are successfully bringing together different agencies to deal with domestic violence. My right hon. Friend the Secretary of State recently opened the mental health court, which will deal with mental health issues and crime. All those courts are part of our determined effort not just to bring offenders to justice but to ensure that when they have served their time they can be brought back into the community in a positive and useful way.

Probation Service

3. **David Taylor** (North-West Leicestershire) (Lab/Co-op): What representations he has received on levels of probation service funding for the next three years. [288140]

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): I have received many representations. Probation funding has increased since 1997 by 70 per cent. in real terms. The budget for probation in this financial year is £894 million, compared with an out-turn for last year of £897 million.

David Taylor: All prison officers are civil servants, unlike the great bulk of probation employees. As the new directors of offender management are drawn almost exclusively from the Prison Service, probation boards are budgeting for £50 million of cuts next year. Does the Secretary of State understand the angst among our public sector colleagues in probation and their unions, the National Association of Probation Officers and Unison, about the consequences for individuals in the criminal justice system of a further loss of resources and staff?

Mr. Straw: Of course I understand anxieties in probation and prison services, but let me say to my hon. Friend, first, that we have not set the budget for the year beyond next year. Secondly, over the past 12 years, the real-terms increase in the probation service has been twice as fast as that in the Prison Service.

Miss Julie Kirkbride (Bromsgrove) (Con): Does the Secretary of State not recognise that the probation service is already overstretched and that the cuts are most unwelcome? How does he expect the service to ensure the safety of the public and prevent reoffending by people who have been in prison if it does not have the resources to manage them properly?

Mr. Straw: The resources are there. The budget for probation in the hon. Lady's area of West Mercia was £9.2 million in 2001-02. In the year just finished, it was £15.7 million. Even allowing for some inflation, that is a big real-terms increase. I am working carefully with the unions nationally, including the National Association of Probation Officers, to ensure that anxieties are properly and better dealt with than they might have been.

Mr. Neil Gerrard (Walthamstow) (Lab): My right hon. Friend may know that over the past couple of months, probation officers from across the country have been coming to meetings in the House to discuss what is happening in their areas with hon. Members. The consistent picture has been of jobs going, including compulsory redundancies in some places, and trainee probation officers not getting jobs. Will my right hon. Friend agree to meet me and a cross-party delegation from the all-party justice unions parliamentary group, to see whether we can get to the bottom of what is happening in the service?

Mr. Straw: I would be delighted to meet my hon. Friend. I have also set up a process with the major probation trade unions, NAPO and Unison, and the Probation Association whereby I see them every month to work through local anxieties. In most cases—although not every case—that process has worked satisfactorily to allay concerns. Of course I am worried about the number of trainee probation officers for whom there currently do not appear to be jobs, but a lot of work is being done, including with the Prison Service, to ensure that jobs can be provided across the board in the National Offender Management Service.

Mr. Edward Garnier (Harborough) (Con): Why does the Secretary of State look surprised that he engenders so little confidence among the public and probation staff when he cannot run his budget? The director of probation has said that he wants the maximum level of underspending. Hundreds of expensively trained probation trainees are going straight on to the scrap heap. Hundreds more staff on full pay are in the so-called surplus employment pool, yet probation officers often have only a few minutes a week to supervise serious offenders. The property maintenance system is so bureaucratic that changing a light bulb in Birmingham requires a repairman to drive from Newmarket. As accountancy is not the Secretary of State's strong point, will he confess that public safety is very much in peril under his stewardship?

Mr. Straw: The hon. and learned Gentleman does nothing to enhance his case through gross exaggeration of the situation. As I have said, the simple fact is that probation spending has increased by 70 per cent. since 1997, compared, in real terms, with 35 per cent. for the Prison Service. Probation spending has gone up further and faster than the case load. It has gone up much faster than it ever would have done under a Conservative Government, and much faster that it ever would under a Conservative Government.

Mr. Andy Reed (Loughborough) (Lab/Co-op): My right hon. Friend's Department will know of the case of Sarah Moore, a constituent of mine whose husband, a police officer, was killed several years ago. The probation service and other services have been working with the victims of crime. In view of the pressures on their budgets, what reassurance can my right hon. Friend give that the mistakes that have been made in the past will not be made in the future, and that the victims of crime—and not just the criminals—will be put at the heart of the criminal justice system?

Mr. Straw: The current, rather tighter, financial situation is no excuse whatever for a lack of efficiency or concern, particularly in respect of more serious offenders. Performance among probation services varies greatly, but I am in no doubt that, if we can get the average

performance up to that of the best quarter, we will be doing very well in providing the public and, particularly, victims with a better service than they have today, within available resources.

Young Offenders

4. **Mr. Stephen Crabb** (Preseli Pembrokeshire) (Con): What recent steps his Department has taken to reduce reoffending rates among young offenders. [288141]

The Minister of State, Ministry of Justice (Maria Eagle): The £100 million youth crime action plan, among other measures, has led to a 6.6 per cent. decrease in the proportion of young offenders who reoffend, and the rate at which they reoffended fell by more than 20 per cent. By introducing the youth rehabilitation order later this year, we plan to focus a more intense effort on tackling the young people with the most challenging behaviour, to assist them in turning their lives around.

Mr. Crabb: Studies by the Minister's own Department show that the odds of reoffending increase massively when a prisoner has no employment to go to on their release. Given that statistics show that youth unemployment has increased massively—from 11 to 17 per cent.—in the past 12 months, and that employment and training opportunities for young people are being decimated during this recession, what chance does the Minister give her aspiration for further progress on cutting reoffending rates of being realised in the current climate?

Maria Eagle: Of course the climate is a challenging one, but that is not a reason to give up. We believe that we could do far more to ensure that young people get every chance to turn away from the life of crime that they might have embarked on at an early age. We are providing more assistance, through interventions, to help them to do that, and to deal with the real risk factors such as a lack of accommodation, a lack of employment and a lack of support. The figures to which I referred earlier show that we are succeeding, and we intend to continue to do so.

Mr. Brian Jenkins (Tamworth) (Lab): Will my hon. Friend tell the House how many reoffenders lack educational qualifications? What are we doing to improve their chances of gaining such qualifications?

Maria Eagle: My hon. Friend hits on an important point. Many young and slightly older people who end up in custody have problems with their educational attainment. The provisions in the Apprenticeships, Skills, Children and Learning Bill, which is going through the other place at present, will make local education authorities responsible for the educational attainment of people in youth custody. That will make a big difference, because it will focus the attention of education authorities on outcomes for this most disadvantaged group, which has, until now, disappeared into the youth criminal justice system because local authorities, which are primarily responsible for education, have washed their hands of the outcomes for that group.

Mr. David Burrowes (Enfield, Southgate) (Con): The Minister will be aware of the commendable plan to establish a young offenders' academy in north-east London. Why did NOMS last month refuse to release relevant financial information that would have helped that plan, despite assurances on disclosure from the Justice Secretary last November? Are the Government deliberately hiding the true cost of youth custody, in order to hide the true cost of their failure to reduce reoffending?

Maria Eagle: The hon. Gentleman is straying into conspiracy theories, which are not valid. I know of the plan to which he refers and, as far as I am concerned, my Department has made every effort to provide proper information. However, I will be happy to consider any further requests for information that he says have not been met. There might be some relevant issues relating to material that is commercial-in-confidence in a more competitive environment, but I would be happy to talk to him further about the matter.

Julie Morgan (Cardiff, North) (Lab): What evaluation has my hon. Friend made of the youth restorative disposal, which aims to get young people to apologise for their offence and to try to undertake restorative behaviour towards their victim, with the victim's consent? I understand that this is now being piloted. Has the pilot scheme been evaluated yet?

Maria Eagle: There is evidence that this type of disposal can assist the victim to gain some satisfaction by making an impact on the person who perpetrated the crime against them. It is also important in assisting the young person to realise the full consequences of their action. This disposal is available in the youth system and can be a useful part of intensive community activity to prevent young people from going into the criminal justice system in the first place and to ensure that they turn away from the temptation to commit crime. At the time the crimes are committed, they may seem to be victimless and consequence-free, but this type of disposal can help young people to understand that they are neither. It is thus a valuable part of what we can do to turn young people away from crime.

Licence Breaches

5. **Sir Nicholas Winterton** (Macclesfield) (Con): How many persons convicted of a criminal offence and released on licence are in breach of the conditions of their licence. [288142]

The Minister of State, Ministry of Justice (Maria Eagle): In 2008-09, 17 per cent. of offenders on licence required breach action as a result of non-compliance during the first six months following release. That figure is based on a 20 per cent. sample of offenders released on licence, and 97 per cent. of the breached licences were enforced by the probation service within 10 working days of the breach.

Sir Nicholas Winterton: Is the Minister aware that nearly 1,000 criminals, including murderers, rapists and paedophiles are on the run after disappearing while released on licence. This figures includes 19 murderers, 15 rapists, five paedophiles and 51 people accused of grievous bodily harm. Is that acceptable, and what are the Government doing to keep a track on those who are released on licence?

Maria Eagle: I am aware of those figures because my Department, having compiled them very carefully over the last few months, published them. The hon. Gentleman is right that there are 954—just short of 1,000—such people who have not been successfully returned to custody after their licence has been revoked, which is 0.7 per cent. of the total. He is also right—we do not wish to be complacent—that the police and criminal justice system is seeking those who have not been returned to custody and will do its utmost to get them back into prison, which is where they belong.

Mr. Lindsay Hoyle (Chorley) (Lab): My hon. Friend must be aware that the public and victims of crime quite rightly do not like or understand it when people on licence go on to commit further crimes. What can we do to tighten up the licence system to ensure that paedophiles—and certainly rapists—do not commit further crimes. In the case of murderers, we know that some have gone on to murder again. What can the Minister do to tighten the rules, tighten the licences and put the credibility back into the system so that the public can begin to understand that we are taking it seriously?

Maria Eagle: I accept that it is nothing to be proud of when serious further offences are committed by people on licence. However, the figures on serious further offences being committed and convicted show only 0.35 per cent., so while I do not wish to sound complacent in any way, we must bear in mind the overall context, which I think is important. Much tougher and better arrangements for public protection have developed over the last 12 years: through multi-agency protection, public protection arrangements, and arrangements for IPP prisoners—those given an indeterminate sentence for public protection—those who were previously released without any supervision are now supervised regularly and can be recalled to prison if their behaviour gives any cause for concern. As I said, we are not complacent and we need to do more, but the position now is much stronger than it has ever been before.

Mr. Dominic Grieve (Beaconsfield) (Con): Just two weeks ago, the Justice Secretary told us that 1,000 criminal fugitives were in breach of licence conditions, so how many have since been caught?

Maria Eagle: I cannot provide a precise figure because the police are out in their different areas trying to find the people who have not yet been found. What I can say very clearly is that in 1997, when the Government took office, under 30 per cent. of those whose licences were breached were recalled to prison. The figure is now 99.3 per cent., which is by all accounts an improvement.

Mr. Grieve: Is not the truth that the Justice Secretary and the Minister have taken their eyes completely off the ball? Yesterday, the Parole Board complained that compensation claims from prisoners had reached new heights. Can the Minister confirm that the Government have increased prisoner legal aid by £20 million at the same time as they have cut front-line probation services by £21 million? Is not the truth that the Government are more interested in fuelling the compensation culture than in protecting the public?

Maria Eagle: That is absolutely not the case. As my right hon. Friend the Secretary of State made clear last week, we are tightening legal aid in respect of claims of that kind.

The legal profession likes to pursue such claims. Conservative Members say that we should not, as they put it, cut legal aid, yet they complain when spending on legal aid goes up. They cannot have it both ways. We are cracking down on legal aid for prisoners with trivial and non-serious complaints, and we will continue to do so. We spend more on legal aid than any other country in the world, but we must ensure that we target our expenditure on those who need it most.

Electoral Reform

6. **Sir Robert Smith** (West Aberdeenshire and Kincardine) (LD): What recent assessment he has made of the merits of proposals for reform of the electoral system for general elections. [288143]

The Minister of State, Ministry of Justice (Mr. Michael Wills): Last year the Government published a review of voting systems. The review considered the experience of the systems introduced in the United Kingdom since 1997, and found no definitive evidence that one system was better or worse than another. The debate on the respective merits of different electoral systems continues, and last month the Prime Minister confirmed that the Government would set out proposals for taking it further.

Sir Robert Smith: When there has been such a breakdown of trust between the electorate and those elected to serve them, it is surely fundamental that the Government should consider reform of the system that links the electorate to the people elected to serve them. The Constitutional Reform and Governance Bill was published on Monday. Does the Minister not think it rather absurd that a Bill that is intended to reform the constitution does not deal with that link between the electorate and their elected representatives?

Mr. Wills: I do not think it will surprise the hon. Gentleman to learn that I do not agree with him. The Constitutional Reform and Governance Bill tackles a range of issues that many Members on both sides of the House believe should have been tackled a long time ago. It transfers power from the Executive to the legislature, and I would expect the hon. Gentleman to welcome that.

The hon. Gentleman will be well aware—particularly if he has read the review of voting systems that the Department published last year—that all voting systems have their proponents and their various merits and disadvantages. We need a proper public debate, and we are ensuring that one is held.

Geraldine Smith (Morecambe and Lunesdale) (Lab): Of course a proper public debate is important, but does my right hon. Friend agree that, whatever system we have and whatever reform takes place, it is also important that we retain the constituency link and constituency representation? What we do not want are any list systems.

Mr. Wills: I entirely agree. We believe that the link between Members of Parliament and their constituents is fundamental to the health of our democracy, and we certainly propose to retain it.

David Howarth (Cambridge) (LD): Does the Minister not concede that one of the worst aspects of the first-past-the-post system is the fact that it reduces the entire general election to a fight for a few swing votes in a few marginal constituencies? That in itself alienates a vast number of electors. It also leads to a large number of safe seats, which has led to a degree of complacency that has not exactly helped the House in the last few months.

Mr. Wills: We could have a protracted debate about the merits of the different systems, but I think that the hon. Gentleman is forgetting something fundamental, which relates to what his hon. Friend the. Member for West Aberdeenshire and Kincardine (Sir Robert Smith) said a moment ago. What matters in this country is what the electorate think. In my experience and, I think, that of most Members, the electorate have a habit of getting what they want—and anyone who thinks that there are any safe seats anywhere in the country nowadays is profoundly mistaken.

David Howarth: But the electorate do not get what they want. Will the Minister not at least concede that another bad aspect of first past the post is that we inevitably elect Governments who are unpopular at the moment when they are elected? At the last general election, nearly two thirds of the electorate voted for a party other than the party that the Minister represents. Should there not be at least a consensus between all parties that Governments should be more popular at least when they are first elected?

Mr. Wills: I think that the hon. Gentleman is forgetting the experience of countries that operate the system of proportional representation that he wants. Parties that secure no more than 5 per cent. of the vote can determine the Government. How can such a Government be popular?

Mrs. Eleanor Laing (Epping Forest) (Con): There is, of course, a far more fundamental problem than that of proportional representation: the very integrity of our electoral system. While Conservative Members welcome the measures that the Government have taken—indeed, we have pressed the Government to take such measures as individual voter registration to combat electoral fraud—the system that we are in discussing is in danger of having its integrity questioned. It has already been described as being akin to that in a banana republic. An electoral commissioner has said that it is childishly simple to commit fraud. Why will not the Government, before the next general election, look at the package of measures that we propose to tighten postal voting and the production of identification at the ballot box to make sure that our system's integrity is protected against fraud?

Mr. Wills: I have too much respect for the hon. Lady to think that she believes the rubbish that she has just uttered. If she had read the reports from the Electoral Commission, and the most recent one from the commission and the Association of Chief Police Officers, she would know that their conclusion was that the incidence of fraud is declining. She is right on one thing; even a single incident of fraud is one too many. But she well knows that we are not complacent and she knows all of the measures that we have introduced, including postal vote identifiers. She knows that we are introducing individual voter registration, not because the Conservative party is pushing us but because it is the right thing to do.

Youth Justice

7. **Ms Sally Keeble** (Northampton, North) (Lab): What recent steps he has taken to divert children and young people from the criminal justice system. [288144]

The Parliamentary Under-Secretary of State for Justice (Claire Ward): Our approach is set out in the £100 million youth crime action plan. Last year the number of children and young people entering the criminal justice system for the first time fell by 10 per cent. Since 2000, the proportion of young offenders who reoffend has fallen by 6.6 per cent.

Ms Keeble: I welcome those figures, but is my hon. Friend aware of the report from the Prison Reform Trust that shows that of the young people locked up by the criminal justice system, 75 per cent. are either on remand or end up with a non-custodial sentence? What steps are being taken to reduce these figures?

Claire Ward: My hon. Friend is quite right to raise the issue of custodial sentences for young people. The Government believe that diversions are necessary to remove as many children and young people as possible from custodial sentences, which is why we are looking at out-of-court disposals, a proportionate and efficient means, in appropriate cases, of dealing with low-level offending by mainly first-time offenders. We also know that as a result of out-of-court disposals, reoffending is much lower among juveniles.

Mr. Graham Stuart (Beverley and Holderness) (Con): Does the Minister agree that young people are far more likely to end up in the criminal justice system if they are not in employment, education or training and that the big increase in NEETs has been a major failure in the Government's pursuit of both social justice and community safety?

Claire Ward: The Government are doing an enormous amount for young people right across all Departments. We think it is appropriate for children and young people not to enter the criminal justice system if it is inappropriate for them to do so, which is why we are developing as many out-of-court disposals as we can to meet the needs and to allow other parts of the system, such as health and education, to work with those young people outside of custodial sentences.

Prisons

8. **Mr. Peter Bone** (Wellingborough) (Con): What mechanism exists for the management of contracts awarded to public sector bidders for the management of market-tested prisons. [288145]

The Minister of State, Ministry of Justice (Maria Eagle): Responsibility for the management of all prisons rests with the directors of offender management and the Ministry of Justice. Each public sector prison, including those successful in a market test, is managed via a service level agreement between the relevant director of offender management and the prison.

Mr. Bone: HMP Wellingborough is being market-tested and a good bid is being put together by the local governor and the prison officers, who have ignored their national union's advice on working together. If the bid is successful and the prison has its own market plan, how does it fit in with the overall system? Is it separate?

Maria Eagle: I congratulate the hon. Gentleman on his persistence on this matter. In our Adjournment debate, he described himself as an ideological Thatcherite but then went on to argue for keeping his prison in the public sector, which is an interesting example of the Conservative party facing both ways. None the less, I wish to assure him that we welcome good public sector bids. If HMP Wellingborough produces such a bid and wins, I will be very pleased.

Pleural Plaques

9. **Mr. Stephen Hepburn** (Jarrow) (Lab): When the Government plan to publish their decision following their consultation on pleural plaques. [288146]

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): On 30 June, the Government published to the House two reports on the medical aspects of pleural plaques, one from the chief medical officer's expert adviser and a second from the Industrial Injuries Advisory Council. The Government will give further consideration to the issue of compensation for people diagnosed with pleural plaques before publishing a final response after the recess.

In addition, we are actively considering measures to make the United Kingdom a global leader in research on the alleviation, prevention and cure of asbestos-related diseases, and to help speed up compensation claims for those who develop serious asbestos-related diseases such as mesothelioma. The latter includes examination of the process for tracking and tracing employment and insurance records, as well as looking into the support given to individuals who are unable to trace such records.

Mr. Hepburn: Will the Secretary of State assure us today that pleural plaques sufferers will not be tret any differently in terms of compensation regardless of whether they lodged their claim prior to the 2007 Law Lords judgment or after it and of whether they live in Scotland, England, Wales or Northern Ireland?

Mr. Straw: As I said, we are giving active consideration to that. I understand my hon. Friend's concern, but we have to make our own decisions in this jurisdiction. I am sure that, in turn, my hon. Friend will wish to pay very careful attention to the conclusions of the expert appointed by the chief medical officer and to IIAC; they came to unanimous conclusions, including those backed by the three trade union representatives.

Mr. Nigel Dodds (Belfast, North) (DUP): Following on from the Scottish Government's decision to legislate in this area, did the Secretary of State note the recommendation of the relevant Department in the Northern Ireland Assembly that there should be a change in legislation to allow those with pleural plaques to sue in the courts and get compensation? Also, following on from what the hon. Member for Jarrow (Mr. Hepburn) said, whereas the regions of devolved government will have taken action to redress this terrible injustice to those who suffer from pleural plaques, will it not be perverse if the only area where people cannot claim is England and Wales?

Mr. Straw: As I said, or implied, in answer to my hon. Friend, it is the essence of devolution that different decisions can be made. It would be very curious indeed if the result of devolution was that each jurisdiction had to follow the decisions of the other. We are seeking to consider the evidence very carefully, and I commend the evidence of the chief medical officer's expert's report and IIAC to all hon. Members, whichever constituency they represent.

Mr. Michael Clapham (Barnsley, West and Penistone) (Lab): I hear what my right hon. Friend says about the medical evidence of IIAC, but will he look further at medical evidence during the recess, because I can tell him that the consultant who leads the charge for a national centre for asbestos-related diseases says that he believes that pleural plaques are a disease, and he sees people on a daily basis, a proportion of whom are affected by pleural plaques to the degree of having breathlessness? Will my right hon. Friend look again at fresh medical evidence over the recess?

Mr. Straw: I would be delighted to do so. In particular, I would like to facilitate a serious discussion at medical level between the medical practitioner expert to whom my hon. Friend referred and the expert appointed by the chief medical officer, because his conclusion and that of IIAC are obviously at variance at present.

National Security and Intelligence Services

11. **Andrew Mackinlay** (Thurrock) (Lab): What recent discussions he has had with ministerial colleagues on proposals in his Department's White Paper on constitutional renewal on parliamentary oversight of national security and the intelligence services. [288148]

The Minister of State, Ministry of Justice (Mr. Michael Wills): As part of my duties, I have wide-ranging discussions with ministerial colleagues, including on all the proposals in the constitutional renewal White Paper.

Andrew Mackinlay: Have I missed something, because it was proposed in the White Paper that there should be examination of the parliamentary oversight—of which there is none—of the security and intelligence services? The Justice Secretary has in his various ministerial portfolios always alluded to, and mooted, such oversight, and on 22 July 2008 the Prime Minister promised a joint parliamentary committee on strategy—

Miss Anne McIntosh (Vale of York) (Con): Is there a question?

Andrew Mackinlay: My question is: have I missed anything—did the hon. Lady not notice that? What is happening—because nothing has happened? We have this White Paper, and the new Bill is out, but there is no mention at all of national security.

Mr. Speaker: I am sure that the reply will be very much more succinct than the question.

Mr. Wills: I shall do my best, Mr. Speaker. The answer, in short, is that for once my hon. Friend has missed something. We did call for greater accountability for the Intelligence and Security Committee, which does provide parliamentary oversight, and we are delivering it. We are doing so in terms of nominations and we are about to do so in terms of public hearings. We are beefing up the Committee—there is now a new general investigator post and the number of staff has increased by a third.

Foreign National Prisoners

12. **Mr. Philip Hollobone** (Kettering) (Con): Which three nationalities comprise the largest number of foreign national prisoners; and how many prisoners of each such nationality there are. [288149]

The Minister of State, Ministry of Justice (Maria Eagle): As at 31 March 2009, the top three foreign nationalities held in prisons in England and Wales were Jamaica, with 1,099 prisoners; Nigeria, with 855 prisoners; and Ireland, with 620 prisoners.

Mr. Hollobone: Should we not be sending these countries a bill for the incarceration of their nationals in our prisons? Is not this foreign prisoner scandal an absolute national disgrace, given that 13 per cent. of the prison population in this country is made up of people from other countries, who should be returned to secure detention in the countries from which they came?

Maria Eagle: I shall desist from answering the hon. Gentleman's first question about sending bills. [Hon. Members: "Why?"] We do not have a policy to do what he suggests. However, we deport foreign national prisoners where we have the chance to do so. In 2007-08, we deported 4,200 foreign national prisoners, and this year we aim to deport 5,800. We do our best to divest ourselves of foreign national prisoners, where it is lawful and practicable to do so. We are also negotiating prisoner transfer agreements with relevant countries. I should also point out that we currently have fewer foreign national prisoners in our jails than most other European countries.

International Criminal Jurisdiction

13. **Sarah Teather** (Brent, East) (LD): What recent representations he has received on the jurisdiction of UK courts over cases involving crimes under international law committed in other countries. [288150]

The Parliamentary Under-Secretary of State for Justice (Claire Ward): The Government receive many representations from time to time about the jurisdiction of the UK courts for particular categories of crimes under international law. We have recently received representations about genocide, war crimes and crimes against humanity, and we have responded positively to those issues.

Sarah Teather: Does the Minister believe that someone such as Felicien Kabuga, a major financier of the Rwandan genocide, should be brought to justice for his crimes? If so, why has she been unwilling to bring non-residents into the legislation on genocide and war crimes? Surely, if such war criminals are present in the UK, they should not be given sanctuary, regardless of whether they are resident.

Claire Ward: It seems that, yet again, the hon. Lady is unable to welcome the significant move that the Government have made on this issue, which has been welcomed by a large number of her colleagues in the other House and by outside organisations. We have taken considerable steps forward on this issue. We are not persuaded that it is necessary to change the relevant definition from "residence" to "presence", as such suspects are not using the UK as a safe haven in which to hide. The current law on these crimes applies to residents, but we have stated that we are willing to examine the definition of resident and clarify it to ensure that the sort of cases that have been discussed could well be captured by "residence" in future.

Rob Marris (Wolverhampton, South-West) (Lab): May I make another representation to my hon. Friend? The Israeli settlers in the west bank and Golan Heights are committing crimes under international law, so will she assure me that such settlers who visit the UK will be arrested and charged here?

Claire Ward: Obviously, any decision to prosecute would be a matter for the prosecuting authorities, and it would be inappropriate for me to comment on that specifically.

Shoplifting

14. **Miss Anne McIntosh** (Vale of York) (Con): What recent discussions he has had with the Magistrates Courts Authority on the implementation of sentencing guidelines for shoplifting. [288151]

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): The Magistrates Association has made clear its preference for charges of shop theft to be prosecuted in court. As the hon. Lady is aware, earlier this week I published revised operational guidance to police forces to restrict the use of fixed penalty notices for shop theft to first-time offenders who are not substance abusers where the value of the goods is less than £100 and where the goods have normally been recovered.

Miss McIntosh: I am most grateful to the Lord Chancellor for that reply and for the statement that he issued last week. He has said on numerous occasions that the sentencing guidelines are about to be amended, so when does he expect that the amendments might reach the public eye?

Mr. Straw: I will write to the hon. Lady about that. I thought that her question was about the revised guidance to the police forces, for which she has been campaigning

for some time. The effect of the restrictions that I announced yesterday on penalty notices for disorder will be to ensure that a greater number of those prosecuted for shop theft end up in court.

Drugs (Prisons)

15. **Mr. Gary Streeter** (South-West Devon) (Con): What plans he has to reduce levels of drug taking in prisons. [288152]

The Minister of State, Ministry of Justice (Maria Eagle): We have made great progress in reducing drug misuse in prisons. Drug misuse, as measured by random mandatory drug testing, is down by 63 per cent. since the 1996-97 financial year. Record numbers of prisoners are engaged in drug treatment. Prison drug treatment funding has increased year on year since 1996-97—a thirteenfold increase—and record numbers are engaging with such treatment.

Mr. Streeter: Is it really a good idea for the Government to spend £4 million on installing automatic vending machines in many prisons, including Dartmoor prison just outside my constituency, to supply methadone to prisoners? Is that really the best way to bear down on drug abuse?

Maria Eagle: The reference to methadone dispensers—which are medically arranged treatment programmes for prisoners that ensure that each prisoner gets only the correct dose of their maintenance treatment—as vending machines is a travesty of the truth. Vending suggests selling—that is what the word means—and there is no question that the Prison Service deals in such behaviour in our prisons.

Topical Questions

T1. [288126] **Andrew Mackinlay** (Thurrock) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): Yesterday I published the Constitutional Reform and Governance Bill, which includes major reforms in respect of the civil service and the ratification of treaties, ends the curious election of hereditary peers to the House of Lords, and provides for peers to resign, to be suspended or to be expelled. Further proposals for the long-term reform of the Lords will be brought forward in the autumn. With yesterday's announcement, nearly all the proposals put to the House on 3 July 2007 have either been implemented or are well in hand in being implemented.

Andrew Mackinlay: As we will not meet for about three months, will the Justice Secretary tell us how the promise—that an equivalent to the oath will be administered at the Iraq inquiry—from the Prime Minister and Sir John Chilcot can be delivered? We need to know now, not three months down the road and a long way into the Chilcot inquiry.

Mr. Straw: I assume that the equivalent to an oath is that those who are witnesses—I expect to be one myself—will be invited to indicate that they are about to tell the truth. That is how it will work. If there is any difference, I will write to my hon. Friend.

T2. [288127] **Mr. Gary Streeter** (South-West Devon) (Con): Given the increase in tribunals practising sharia law in this country, can the Secretary of State or one of his excellent Ministers explain how that dovetails with the law of the land? How is it compatible with our commitment to human rights and, for example, the equality of women under the laws of this country?

Mr. Straw: Any domestic tribunal, as the so-called sharia courts are, has to comply with the law of the land, and the statutory basis with which they have to comply is an Act passed under the last Conservative Administration—the Arbitration Act 1996. This Government have no less an interest than any other party in seeing the strictest observance of British law by everybody who is resident in or subject to this jurisdiction, regardless of their confessional faith.

T7. [288132] **John Mann** (Bassetlaw) (Lab): Despite the efforts of various bird-brained councillors who have not yet got the gist of the Department's excellent new guidelines on the staking of graveyards, does the Minister welcome the fact that the Co-operative funeral service has now agreed to fix any gravestone wrongly staked over the past 10 years and consider any in its jurisdiction that have been staked at all?

The Parliamentary Under-Secretary of State for Justice (Bridget Prentice): As always, my hon. Friend is assiduous in pursuing this issue, and rightly so. I am absolutely delighted that the Co-op—of which I give notice I am a customer—is taking on board what he raises. I have written directly to the chief executives and leaders of local authorities, and I hope that they will take the issue seriously. I will make sure that they follow the guidance properly and do not allow views about health and safety that are unhelpfully politically correct to overcome what should be a sensible, straightforward and sensitive way of dealing with the matter.

Sir Alan Beith (Berwick-upon-Tweed) (LD): I welcome the two written statements about legal aid that were made yesterday. One insisted that best-value tendering will not go ahead until pilots have been examined, and the other was on family law. On the very controversial issue of family legal aid, however, what will the reworking of assumptions and the further analysis amount to? What will the key considerations be?

Mr. Straw: From work done in the Legal Services Commission, it became apparent last Friday that there were problems in the analysis—although not in the basic data—that required reworking. That was why the announcement was deferred, but I say to the right hon. Gentleman and the House that there has been an extraordinary increase in expenditure on family legal aid. It is now up to £582 million—an increase of 25 per cent.—even though the case load has declined by 11 per cent. This is not a service that has been underfunded, but it is an area of legal process that has become over-elaborate. All those participating in the system have a responsibility to make it less elaborate, in the interests of the public and the children concerned.

Harry Cohen (Leyton and Wanstead) (Lab): In 2006, the Information Commissioner's Operation Motorman referred to hundreds of journalists who had got information

on people from private detectives by illegal means. Those journalists, and the newspapers that they work for, have not been named. Has the Justice Department been involved in that cover-up? Can they be named, so that the people who were the victims of those illegal activities can have some remedy against those newspapers and journalists?

Mr. Straw: To the very best of my knowledge, my Department has not been involved in any way in the matter. My hon. Friend asks about naming the individuals involved, and he may wish to consider making a freedom of information request to the Information Commissioner.

T3. [288128] **James Duddridge** (Rochford and Southend, East) (Con): May I ask the Secretary of State to return to the issue of trainee probation officers and to clear up a point of confusion? I think that he accused my hon. and learned Friend the Member for Harborough (Mr. Garnier) of exaggerating the figures, but is it not true that around 1,000 trainee probation officers qualify each year for about 250 jobs? Does not that mean that hundreds of people trained up by the Government do not get jobs?

Mr. Straw: I think that the hon. Gentleman's suggestion of the figures is slightly wide of the mark. I have accepted already that some trainee probation officers will qualify, for whom positions are unlikely to be available this year. That is due to a combination of the tighter financial climate and the recession, which means that fewer existing probation officers are moving on to other jobs. I am on the case and I am discussing the matter in detail, with the probation trade unions above all. We are anxious to use the full resources of the National Offender Management Service to ensure that qualified trainees are provided with employment wherever possible.

Rosie Cooper (West Lancashire) (Lab): The Justice Secretary and I have been in correspondence about the possibility that a prison will be built in Scarisbrick in my constituency. I have received assurances from him that there will not be a Titan prison or any other sort of prison there, but it would appear that my Tory councillors will not accept that until they hear categorically that there will not be a prison in Scarisbrick. Will my right hon. Friend give me that assurance?

Mr. Straw: There will not be a prison in Scarisbrick.

T4. [288129] **Dr. Evan Harris** (Oxford, West and Abingdon) (LD): Twelve days ago, the Government accepted amendments in the House of Lords to abolish seditious and criminal libel. Those amendments had been sought for a long time by bodies such as PEN, Index on Censorship and Article 19; I am a trustee of the last of those organisations. May I ask the Secretary of State to ask his officials to liaise with them all to ensure that maximum publicity is given to the fact that we are going to change our law, and to set an example to those countries that maintain and use such laws?

The Parliamentary Under-Secretary of State for Justice (Claire Ward): The Government have accepted in principle the amendments tabled to the Coroners and Justice Bill. Among other things, the amendments will extend abolitions to the offences to Northern Ireland, and pick up some of the mixed consequential amendments and repeals to various linked statutory provisions. We will also look at debating and discussing some of those issues with other partners and outside stakeholders.

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): I return to the question of compensation for pleural plaques victims. If someone worked for a UK Government Department, such as the Ministry of Defence, in Scotland or Northern Ireland, they would get compensation, but if they worked in England or Wales, they would get nothing. What is the practicality and fairness of that?

Mr. Straw: Even before devolution, there were differences in the civil law as well as the criminal law north and south of the border. That has just been a fact of life. The courts are therefore well used to dealing with some differences, which have differences of outcomes for individuals.

T5. [288130] **Mr. Peter Bone** (Wellingborough) (Con): HMP Wellingborough is having a methadone dispenser put in. Following what my hon. Friend the Member for South-West Devon (Mr. Streeter) said in an earlier question, could the Justice Secretary explain why a dispenser is better value and better for the prisoner than going to see the medical officer? I wonder whether the Secretary of State, Lord High Chancellor and Deputy Prime Minister could answer that.

Mr. Straw: This is a most extraordinary confection of a story developed by some Opposition Members. I shall explain: prisoners can get methadone, whether it is dispensed through a machine or manually, only when they have been to the medical officer. What happens—I have seen this in operation—is that the dispensing machines are put in by the health service to control the issue of methadone, so that only those prisoners who have been prescribed it medically, by a medical officer, can receive it. There is an iris scan, and if the machine recognises the prisoner, his or her dose is dispensed. They have to drink it in sight of a prison officer and a medical orderly, so there is no chance—no chance—of deception of the kind that, I am afraid, takes place all too frequently otherwise in prison, especially with drugs.

Jessica Morden (Newport, East) (Lab): What discussions has the Department had with the Crown Prosecution Service over the proposed restructuring of the Forensic Science Service? Given that we are looking at hundreds of jobs under threat and the closure of excellent laboratories such as the one in Chepstow, where many of my constituents work, does my right hon. Friend agree that we should look at the full repercussions for the CPS before any decisions are made by the Home Office?

Mr. Straw: I am very happy to pass on to my right hon. Friends the Home Secretary and the Attorney-General the concerns that have been expressed by my hon. Friend about the position of the FSS. Those concerns, if I may say, have also been expressed to me by my hon. Friend the Member for Chorley (Mr. Hoyle). My hon. Friend the Member for Newport, East (Jessica Morden) will understand that decisions on that are matters for my right hon. Friend the Home Secretary.

T8. [288134] **Ann Winterton** (Congleton) (Con): What action is being taken by the Ministry of Justice to address the particular needs of former armed service personnel who have been shown to be suffering from combat stress and who are caught up in the criminal justice system?

Mr. Straw: We are taking special measures to help former service personnel who are caught up in the criminal justice system because we recognise—indeed, this has emerged this morning—that the results of combat stress can often emerge many years later, and in unpredictable forms, including in offending behaviour that simply was not there before and during an individual's service in the armed forces. I am very happy to write in more detail to the hon. Lady to set out what we are doing.

Geraldine Smith (Morecambe and Lunesdale) (Lab): I was alarmed about the case of a constituent of mine who was the victim of an assault and robbery at a cash machine. The criminal who committed the crime was given a suspended sentence. Will my right hon. Friend look at the case if I send details to him?

Mr. Straw: Yes, I will.

T9. [288135] **Jo Swinson** (East Dunbartonshire) (LD): The people outside the House must be involved in rebuilding our broken political system. Will the Secretary of State support a citizens convention to help to map out the path for constitutional renewal, instead of leaving it solely in the hands of politicians?

The Minister of State, Ministry of Justice (Mr. Michael Wills): The hon. Lady makes a very valuable point and I agree with a large part of what she said. It is important that we involve the British people in policy making between elections as well as at them. That is why we are bringing forward proposals for deliberative events that involve the British people in precisely the way she suggests. I do not agree with her precisely that we need to wrap it all up in one grand citizens convention, but on the spirit of what she is saying—the need to involve people in deliberative events to help formulate public policy—I agree.

Mark Pritchard (The Wrekin) (Con): Returning to electoral reform and the general election, given that our brave armed forces are fighting and dying in Afghanistan, partly in the name of democracy, will the Minister give our armed forces a commitment that they will be able to participate in the UK general election?

Mr. Wills: I am very happy to give that commitment. We are well aware that levels of registration among our armed services are not all they should be. We are making concerted efforts with the Ministry of Defence to improve that, and I have given an open invitation, which I extend to the hon. Gentleman, to Members who have large garrisons in their constituencies: if there are particular measures that they think would improve levels of registration, I ask them please to tell us, because we are very happy to engage with that process.

Mr. Lindsay Hoyle (Chorley) (Lab): Does my right hon. Friend hold a view about the proposed closure of the Forensic Science Service at Chorley and the effect that it will have on the justice system that he represents, given the fact that cases may not go ahead?

Mr. Straw: Of course I am concerned, as the Member for the adjacent constituency of Blackburn, about the potential effects. As I said to my hon. Friend the Member for Newport, East (Jessica Morden), I have already made clear my hon. Friends' concerns about the proposed closures in Newport and Chorley. Both facilities serve a wide area of population and it is crucial that in any organisation of the Forensic Science Service there is no dereliction or diminution in the service provided to the Crown Prosecution Service and through that, to the victims of crime.

Equitable Life

3.31 pm

Susan Kramer (Richmond Park) (LD): *(Urgent Question)*: To ask the Chancellor of the Exchequer if he will make a statement on the parliamentary ombudsman's follow-up report on Equitable Life and to clarify the work of Sir John Chadwick on a payment scheme.

The Chief Secretary to the Treasury (Mr. Liam Byrne): I am very grateful to you, Mr. Speaker, for granting me the opportunity to answer questions on Equitable Life today.

A week or two ago, I promised the House a short statement, by way of update before the recess, and I laid that statement this morning. I do not intend to read it out as it is there for hon. and right hon. Members to consider. I know that time is short this afternoon, Mr. Speaker and that you will want to maximise the opportunities for questions, so let me limit my opening remarks.

First, the Government are grateful to the ombudsman for her report. Secondly, in many areas we agreed with her conclusions of maladministration. In four key areas, we agreed with her findings that injustice had followed.

We departed from the ombudsman in her recommendation for a compensation scheme across the board and we set out cogent reasons for that. They are being challenged by judicial review today, so my remarks on that question will be rather limited this afternoon; but—this is the crucial but—we believe an ex gratia scheme must be set up to help those who have suffered hardship as a result of the injustice that we believe was perpetrated. We have asked Sir John Chadwick to make recommendations on that question urgently, but he must first pin down who has lost what. He will set out his next steps in August and, if you would oblige me Mr. Speaker, I would be very happy to update the House on its return.

Susan Kramer: The Minister will be very aware that Equitable Life policyholders have been quite dismayed, having heard the ombudsman's judgment that the injustice will not be remedied whatever the outcome of the work yet to be done by Sir John Chadwick—referring to the injustice due to maladministration. Will the right hon. Gentleman review the remit given to Sir John Chadwick?

The Minister will also be aware that EMAG—the Equitable Life Members Action Group—and many other Equitable Life policyholders have not given evidence and testimony to Sir John Chadwick, because they have lost confidence in his proposals since they saw his document on the Equitable Life ex gratia payment scheme in June. Again, will the Minister review the remit he has given Sir John?

In his statement today the Minister referred to a report by Sir John in August, but the statement included no mention of a timetable, which the many elderly members of the various Equitable Life organisations are desperate to see. He also mentioned that Sir John is speaking with interested parties, but is he aware that Sir John has refused to meet the all-party parliamentary group on justice for Equitable Life shareholders, with a membership now of 130? Will he advise Sir John to reconsider his decision and find some other venue to meet Members of Parliament? Finally, given that more than 300 Members have signed the early-day motion tabled by my hon. Friend the Member for Twickenham (Dr. Cable) on Equitable Life issues, will the Minister consider giving the House the opportunity for a debate in Government time and the opportunity to vote?

Mr. Byrne: Let me deal first with the central question about the difference between compensation schemes, as proposed by the ombudsman, and our conclusion that an ex gratia scheme would be more appropriate.

The ombudsman made 10 findings and went on to say that a number of injustices resulted. When we looked through those findings, we came to the conclusion that in nine out of the 10 findings, we could accept wholly or in part her conclusion that there had been maladministration. In four of those areas, which I think were significant, we accepted that injustice followed.

Two consequences follow from that position. The first is that we departed from the ombudsman in her conclusion that a compensation scheme should be put in place, because we do not think the taxpayer should be the compensator of last resort. We think that would have perverse consequences, and it is a principle on which the House has voted in the past. Secondly, it would be irrational for the Government to propose a compensation scheme across the board for charges of maladministration or injustice that we did not accept.

I know that when the ombudsman came before the Public Administration Committee on 21 January—my hon. Friends will correct me if I have the date slightly wrong—she said that she would almost rather the Government accepted her recommendations and then did nothing to provide compensation. I do not think that that is the right approach. There are findings that we have accepted. There are charges of maladministration that we have accepted. Further, there are charges of injustice that we have accepted. We also believe there will be people who have suffered and are suffering hardship—in some cases extreme hardship—as a result of that. That is why it is essential for us to set up an ex gratia payment scheme.

The ombudsman did not have the chance to go into the vital question of who lost what. That is the first piece of work that we have asked Sir John to consider. I do not think it is possible to get an ex gratia scheme in place and operating justly until we have understood who has lost what. Obviously, there are hundreds of thousands of policyholders—

Mr. Speaker: Order. May I interrupt the Chief Secretary? I very much appreciate, as the whole House will, that he is attempting to respond comprehensively, but we have a time limit for this exchange and I want to get in as many Back-Bench Members as possible.

Mr. Mark Hoban (Fareham) (Con): Is it not clear that a year after the ombudsman published her damning report on the regulation of Equitable Life, and six months after the Government's response, no real progress has been made? Policyholders are no closer today to knowing whether they will receive any payments for the losses that they incurred as a consequence of the failure to regulate Equitable Life properly.

In the past six months, all we have seen is one paper by Sir John Chadwick addressing just one aspect of his terms of reference—relative loss. We are promised another paper in August that will include a definitive list of

[Mr. Mark Hoban]

issues to be addressed. Will the Minister tell us if this will cover all aspects of Sir John's terms of reference or just the issue of relative loss? For example, will it include his advice on which groups of policyholders have suffered the greatest impact because of the failure to regulate Equitable properly? Will it include how he will seek to apportion blame between the regulator and Equitable Life, or can we expect to see many more reports from Sir John delaying justice even longer?

Although there has been criticism of Sir John, fault for any delay rests with the Treasury, which has tried to kick the issue into the long grass. Have Ministers set a deadline by which Sir John will have completed his work? Will the Minister confirm that the Government will make a formal response to each of Sir John's recommendations as they are made, or will they seek to delay the process even longer by waiting until he has completed all his work? Once Sir John publishes his final report, how long will it take the Treasury to make payments to policyholders? All that we seem to get from Sir John is more questions and very few answers, and there has been no answer from the Treasury on the most important question—when will policyholders receive the justice that they have been so long denied?

Mr. Byrne: It is perfectly appropriate for the hon. Gentleman to seek to keep up the pressure and the momentum, particularly on the timetable, because that is the question that most troubles policyholders.

I completely reject the argument about an absence of progress. Once the ombudsman concluded her investigation, and set out where she thought that injustice had been perpetrated, it was perfectly proper for us to reflect on what she said, then make the decision to put in place an ex gratia scheme to correct those injustices. I am sure that the hon. Gentleman would agree that to ensure that the maximum possible help is delivered to those who are in the hardest and most difficult financial position, it is vital to understand who has lost what. There are hundreds of thousands of policyholders, and every single bit of information associated with those policyholders has to be gone through first, which is why we have given Sir John Chadwick all the resources for which he has asked, and it is why we will continue to check that he has all the resources that he needs to conduct his task. We are absolutely committed to getting a scheme up and running as quickly as possible, and I hope that the hon. Gentleman will continue to make representations on behalf of policyholders, as I know other hon. Members will, to make sure that that ex gratia scheme is designed in the fairest possible way.

Mr. Jeremy Browne (Taunton) (LD): After the ombudsman published the report with the damning title, "Equitable Life: a decade of regulatory failure", the Government's response has been characterised by foot dragging. They missed the deadline to respond by the end of 2008, as initially promised. Sir John Chadwick has been non-communicative with Members and others, but meanwhile policyholders are dying every day while the Government are still deciding to pick and choose the ombudsman's recommendations. The Minister may think that today represents some progress, but does he not share my concern that his statement was littered with equivocation, and talked of "a further document", an "interim report", a statement of his approach, and a list of "the specific issues". Will policyholders not be worried that that is further delay and prevarication? If the Government thought that the situation was as good as the Minister claimed, would he not, instead of sneaking it out in written form, have come to the House of his own volition and made a statement this afternoon?

Mr. Byrne: There have been three debates on Equitable Life and the Government's response to the ombudsman this year, and we had a good debate during oral questions a week or two ago. I return to the basic argument that I have presented this afternoon: if we think an ex gratia scheme should be set up, to ensure that money under that scheme goes to the people who have been hardest hit, the first piece of work that we must do is to understand who has lost what. Until we do so, it is difficult to get up and running an ex gratia scheme that will operate justly. Surely, that must be the objective of right hon. and hon. Members. Sir John has an enormous amount of work to do to go through the information that has been passed to him by Equitable Life. A number of right hon. and hon. Members have made representations, and he is moving quickly. He is publishing reports in quick succession to make sure that the maximum amount of information is available to policyholders and so that they can see and comment on the direction in which his mind is moving.

Rob Marris (Wolverhampton, South-West) (Lab): I lost a small amount in the Equitable Life fiasco. May I urge my right hon. Friend not to be so stubborn and slow about this? Responsibility for these losses rests in three parts: first, with savers; secondly, with Equitable Life itself; and thirdly with the Government for what they themselves admit is maladministration. I urge my right hon. Friend to revisit the question of compensation: it would be much quicker, and they could put a cap on it, so that smaller savers would receive proportionately more. Will he revisit that issue?

Mr. Byrne: No, I will not for the simple reason that, first, I do not believe that the Government should be the compensator of last resort when there has been regulatory failure; and secondly, I simply do not think that it would be rational or a good use of public money to provide compensation when there have been conclusions that we simply do not accept. However, I do not subscribe to the ombudsman's view, put forward on 23 January, that it would be better to accept all the recommendations and then do nothing to provide any compensation at all. It is important that an ex gratia scheme be set up, because there is injustice that we recognise. We must now ensure that public money goes to where it is most needed, and that is why we must understand, first, who has lost what.

Mr. Michael Fallon (Sevenoaks) (Con): Why will the Chief Secretary not announce a long-stop date by which the Government expect the bulk of those ex gratia payments to have been made? Does he expect it to be in this financial year?

Mr. Byrne: That is an extremely reasonable point to which I am entirely sympathetic. However, until Sir John has done his first run-through of the information from literally hundreds of thousands of policyholders, that being the exercise on which he is now embarked, it will be difficult for us intelligently to present that long-stop date to the House. However, it is my ambition to come back with that date at the earliest possible opportunity.

Mr. Gordon Prentice (Pendle) (Lab): How will Sir John Chadwick determine who has been hardest hit? He has access to Equitable Life records but not to Customs and Revenue records, so how will he square that circle?

Mr. Byrne: I would not want to steer Sir John in respect of the conclusions that he has been asked to reach; it is an open question that we have left to him to answer, and he has considerable experience in answering such difficult questions. I am satisfied that he has at his disposal all the information that he needs to come to those conclusions, but, if he were to make further requests of us for further information, I would consider them.

Mr. John Redwood (Wokingham) (Con): How much compensation does the Minister envisage for his ex gratia scheme? I do not suppose that he has put a penny in his budget for this year or for next, so I do not believe that he intends to pay any.

Mr. Byrne: That is not an estimate that I shall present to the House this afternoon; it is something that I shall look at when Sir John presents his initial recommendations.

Geraldine Smith (Morecambe and Lunesdale) (Lab): What is the point of the ombudsman doing her report if the Government do not accept the recommendations? Is it not time that the policyholders had the justice that they deserve?

Mr. Byrne: I absolutely agree that it is time that the policyholders of Equitable Life had the justice that they deserve. They are in their current position because of a series of regulatory failures that go back many years, but Governments sometimes disagree with reports from ombudsmen; there have been five such occasions in recent years. As I said, I do not accept the ombudsman's conclusion that we should just accept the recommendations and then do nothing—she said on 23 January that that was her preference. I actually think that an ex gratia scheme is sensible, because there has been an injustice that we have accepted.

Mr. Paul Burstow (Sutton and Cheam) (LD): Time is definitely of the essence when it comes to getting the matter resolved. On the Minister's point about dealing with hardship, will he tell us today whether means-testing will play any part in the ex gratia payment scheme?

Mr. Byrne: At this stage I would not prejudge the design of the scheme that Sir John has been asked to come back with.

Mark Durkan (Foyle) (SDLP): Does the Chief Secretary not recognise that for many people Sir John Chadwick's exercise appears to be evasion dressed up as examination? Today, the Chief Secretary referred to when Sir John does his first run-through. How many run-throughs are there going to be? Do they not amount to people in a dire predicament being given the run-around?

Mr. Byrne: If I may, I will just draw the House's attention back to the four areas in which the Government said not only that there had been maladministration, but that injustice had followed. Those areas are significant, and they should not be cast aside lightly, because they are the basis of the ex gratia scheme that will be set up. When it came to changes to retirement age, reserves for guaranteed annuity rates, the financial reinsurance in which Equitable Life tried to engage and the information that the Financial Services Authority provided in the post-closure period, the Government accepted in all those cases not only that there was maladministration, but that injustice had therefore followed. That will have a bearing on the breadth of the ex gratia scheme that is eventually recommended, but, as I said, until Sir John has studied who has lost what, it will be almost impossible to design an ex gratia scheme that operates justly.

Sir George Young (North-West Hampshire) (Con): Is there not a clear and irreconcilable difference between, on the one hand, the Government, and on the other, the ombudsman and the Select Committee to which she reports? Is not the right way to resolve that difference for the Government to put their own proposals in a substantive motion before the House and see whether they command majority support?

Mr. Byrne: That would be a question for the business managers of the House. I want to tease out two points. Yes, the Government did depart from many of the ombudsman's conclusions about maladministration. We set out cogent reasons for doing that, and they are subject to judicial review, commencing today. It would not be rational to propose a compensation or ex gratia scheme based on findings that we simply did not accept; that would not be a good use of public money. That said, we accept that injustice has resulted from maladministration in certain areas and we think that an ex gratia scheme is therefore required. We must make sure that that is set up so that it operates justly and that most help is delivered to those who have lost most.

Sir Patrick Cormack (South Staffordshire) (Con): Cannot the Minister realise that those suffering hardship—often extreme hardship, to use his own words—are desperate to know when they will be put out of their misery and when they will know what they are going to get? Will he please give the House an assurance this afternoon that when we come back on 12 October, he will give a definitive report with definitive dates to the House?

Mr. Byrne: As I said in reply to another Conservative Member, my ambition is to come back to the House with a long-stop date by which we can get the ex gratia scheme up and running. I accept entirely the hon. Gentleman's point about the uncertainty and hardship that many Equitable Life policyholders are now confronting. The hon. Gentleman will accept that, in the world of limited resources in which all Governments operate, we must make sure that the help provided goes to those who need it most. That is the question that Sir John is now considering.

Mr. Graham Brady (Altrincham and Sale, West) (Con): Given the very long delay, what consideration has been given to the possibility of interim emergency payments in compassionate cases?

Mr. Byrne: That is a good question, on which I shall ask Sir John to reflect.

Issue of Writ

3.52 pm

Stewart Hosie (Dundee, East) (SNP): I beg to move,

That the Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of a Member to serve in this present Parliament for the Borough Constituency of Glasgow North East in the room of Michael Martin, who since his election for the said Borough Constituency has accepted the Office of Steward or Bailiff of Her Majesty's Manor of Northstead in the County of York.

The issue is important. The Government objected to the writ earlier, but should we fail to move it today, we might well condemn the people of Glasgow, North-East to having no Member of Parliament for the next five months. When the Government Chief Whip stood up—in that magisterial way that he has—and objected to my motion earlier, I was not sure whether I was watching a tragedy or a comedy. What I saw could have been tragic because the Government are treating the people of Glasgow, North-East with contempt. It could also have been comic; I imagined another Whip phoning the busload of Labour MPs who have gone off to campaign in the by-election in Norwich and making them come straight back to ensure a Government majority against democracy and a by-election in Glasgow. That is where this Government have got to.

The issue is extraordinarily serious. Two months have passed since Michael Martin announced that he was standing down and it is a month today since he demitted office, yet Labour has failed to move the writ. As I understand it, the earliest possible date on which the by-election may now be held is Thursday 5 November, by which time the constituency will have been without an MP for 136 days. In contrast, Ian Gibson resigned his Norwich, North seat on 5 June, and that by-election will be held this Thursday, 48 days later. Last year, the by-election for the seat of Glasgow, East was held on 24 July, just 26 days after David Marshall stood down. So Labour has had every single opportunity to call this by-election, but in objecting to the writ, as it did earlier today, it is not only demonstrating contempt but running scared of the people of Glasgow, North-East. What that objection also did was to demonstrate that it is not only by convention that the moving of a writ lies in the hands of the governing party Whip, but that it is the practice as well.

We are reaching the end of this Session; we finish it today. Labour has had every opportunity to move the writ and to avoid people being left unrepresented, but it has failed to do so; that is why we felt compelled to move. The only practical reason not to move the writ would be that the by-election would clash with the Glasgow fair and the Glasgow holidays. Fair weekend was last weekend. The earliest date that the election could be held if the writ were moved today is 20 August, after which time the fair and the holidays will be over, and the children will be back at school on 17 August. There is therefore no practical reason why this cannot happen.

The long and short of it is that Labour has once again put party first and people second. The people of Glasgow, North-East need a full-time MP now. We have had a series of brutal school closures, with little or no consultation with parents and pupils, and no MP to represent those people. We have workers at the Diageo plant at Port Dundas fearing for their jobs and facing an uncertain future with no full-time MP to represent them. The people of Glasgow, North-East deserve a full-time MP, and they deserve one as quickly as is humanly possible.

Labour's actions have shown contempt, and its campaign is in disarray. By its actions, we have seen its fear of the people of Glasgow, North-East—*[Interruption.]*

Mr. Speaker: Order. The hon. Gentleman should sit down for a moment, as I am trying to help him. I simply say to the House that whatever the provocation, right hon. and hon. Members must exercise what self-restraint they are able to muster in the circumstances.

Stewart Hosie: I thought that I was being consensual, Mr. Speaker. I beg to move the motion.

3.57 pm

The Leader of the House of Commons (Ms Harriet Harman): I beg to move, To leave out from "That" to the end of the Question and add

"this House do pass to the Orders of the Day."

The effect of my amendment is that the House would not move the writ today for the Glasgow, North-East by-election. Custom and practice is that the party of the Member who formerly held the seat moves the writ. In the case of a departing Speaker, it is convention for the writ to be moved by the party for which the Speaker was last elected. Then the election must be held within 15 to 19 working days of the writ's being moved. We want to make sure that the by-election is at a time that allows the greatest number of people to vote.

Sir Patrick Cormack (South Staffordshire) (Con): Will the Leader of the House give way?

Ms Harman: Perhaps the hon. Gentleman will simply allow me to make my argument to the House.

We did not move the writ at the point at which the Speaker left the House on 22 June, as it is preferable not to have an election in the Scottish school holidays.

Sir Patrick Cormack: On a point of order, Mr. Speaker. The right hon. and learned Lady has not exactly conveyed accurate information to the House. The fact of the matter is that the last time Michael Martin was elected a Member of Parliament, he was elected as the Speaker seeking re-election—therefore as an independent and not as a member of the Labour party. I therefore suggest to you, Sir, that the Leader of the House is out of order on this matter.

Ms Harman *rose—*

Mr. Speaker: Order. I can look after the matter quite easily, if the right hon. and learned Lady will let me. The short answer is that the content of what the Leader of the House says is a matter for the Leader of the House. What the hon. Member for South Staffordshire (Sir Patrick Cormack) has just said is a contribution to the debate, but as a point of fact, it is not a point of order.

Ms Harman: You are absolutely right of course, Mr. Speaker, that it is not a point of order. However, it is also not a point of fact because it is wrong. If you become Speaker, the relevant question is for which party you last stood for Parliament.

As I have said, we did not move the writ when the Speaker left the House on 22 June, as it is preferable not to have an election in the Glasgow school holidays. Moving a writ now would mean a by-election in the middle of August. If we move the writ now, it would have to be held by Thursday 13 August, long after the Glasgow schools have broken up for the summer and before they return from the summer break. It would mean holding the whole campaign before the Glasgow schools come back on 17 August, which would disfranchise constituents. We do not think that the writ should be moved now for a by-election in the middle of August. We want to have the by-election when most people have the chance to vote, which means not holding it during the school holidays, when many families are still away on holiday. In any case, a new Member of Parliament, even when elected, could not take their seat until the House next meets on 12 October. When, as in this case, the vacancy arises when the House is sitting, the writ cannot be moved when the House is in recess, so we will move it as soon is possible after the House returns in October. I invite the House to accept the amendment.

4.1 pm

Mr. Ben Wallace (Lancaster and Wyre) (Con): The Government's failure to move the writ, thereby denying the people of Glasgow, North-East a representative for six months, is nothing to do with parliamentary process but is all about party politics in Scotland. It is all about mitigating a disastrous school closure programme that is happening in Glasgow right now. The Labour party knows that if it were held to account on that programme, it would be more likely to lose the by-election. Why is a by-election good enough for the people of Norwich, North? Why was it good enough for the people of Crewe and Nantwich when the hon. Lady who had represented the seat had not even been laid to rest?

Angus Robertson (Moray) (SNP): Will the hon. Gentleman add to that list? Why was it good enough for the electors of Glasgow, East to have a by-election during the summer last year? The Government are arguing differently from the Dispatch Box this year.

Mr. Wallace: We are considering the ultimate arrogance of Scottish Labour. Not only does it believe that the electorate do not deserve representation, it is also so convinced that they will vote Labour, and that all it has to do is follow the party line without a Member of Parliament. It is a disgrace to the House and to the people of Glasgow, North-East.

4.2 pm

Sir Patrick Cormack (South Staffordshire) (Con): You were, Mr. Speaker, kind enough a few minutes ago to say that the point that I made was a point of fact. It is indeed a point of fact—

Mr. Speaker: Order. I certainly did not say anything about its being a point of fact. I indicated that what the hon. Gentleman said was a contribution to the debate but that it did not constitute a point of order. Subsequently, an argument was advanced about whether the hon. Gentleman's comments represented a point of fact.

Sir Patrick Cormack: I do not like to disagree with Mr. Speaker, but I think that you used those terms—or something like them, anyhow.

I submit to the House that, whatever was said or not said, it is a point of fact that Mr. Michael Martin, in his last election, did not stand as a Labour candidate. Nor did he stand as a Labour candidate in 2001. He stood as the Speaker seeking re-election and therefore as an independent. This afternoon, we have nothing less than a shameless example of a craven Government running scared.

Mr. Patrick McLoughlin (West Derbyshire) (Con): May I draw my hon. Friend's attention to page 220 of "Erskine May", which categorically states:

"At a general election he stands as 'the Speaker seeking re-election', since he belongs to no party".

Sir Patrick Cormack: I am most grateful for that reinforcement of the point of fact, which I think I have now established. When once someone sits in that Chair, as you now have the great honour of doing, Mr. Speaker, they cease to have any party political allegiance, preference or prejudice at all, as you made clear when you made your acceptance speech. We are therefore dealing with replacing someone who was an independent Member of the House. As I said a moment ago, what is happening is an example of a Government running scared.

We all know—I have grandchildren in Scotland who go back to school on 17 or 18 August—that the holidays will have come to an end in Scotland by the penultimate week of August. We also know that that was no consideration for the Government when they moved a writ last year. We have a responsibility in this House to those out in the country who are not represented here. If there is a tragedy concerning a Member's death, there is sometimes a point to waiting, although when Gwyneth Dunwoody died we did not even wait until the funeral had taken place. That is appalling. What we ought to have—I hope that you might consider setting up a conference to consider this, Mr. Speaker—is a system whereby when a Member vacates a seat, for whatever reason, the by-election must be held within 28 days or, at the most, 40 days. That should be enough for us all and for anyone else to run a campaign, select a candidate and do all the necessary things.

Mr. Tom Harris (Glasgow, South) (Lab): The hon. Gentleman was perhaps unaware that, contrary to the tradition according to which the Speaker stands unopposed by other parties, Michael Martin was opposed in 2001 and 2005 by the Scottish National party. Those were contested elections. However, the hon. Gentleman was in the House when I was not in 2000 when Betty Boothroyd stood down. Did he object to the Government's moving the writ for that by-election, when she was not elected as a Labour Member of Parliament?

Sir Patrick Cormack: It was moved very quickly, but let me respond to the hon. Gentleman's point. Yes, I have been here a little longer than he has, and I remember the general elections that were fought by Speaker Thomas, Speaker Weatherill and Speaker Boothroyd. In every case they were opposed. Of course it is a convention that the major parties do not oppose, although that convention was not adhered to in any of those cases.

[Sir Patrick Cormack]

However, the fact that the SNP chose to oppose Mr. Martin when he stood as an independent candidate is not relevant to this case. What we are talking about this afternoon is a deprived constituency that is not represented here when there is no reason that it should not be represented here. It would be the last shabby and shoddy act of a fairly shoddy period in Parliament's life if we were to rise today and refuse to let you move that writ, Mr. Speaker.

4.8 pm

Mr. David Heath (Somerton and Frome) (LD): I entirely take the point that the Speaker stands as an independent. Indeed, there is an argument, notwithstanding the convention that the Leader of the House has set out, that there is only one party that should move the writ for a replacement in the seat of a former Speaker, and that is the Speaker's party, which is therefore you, Mr. Speaker.

However, I also feel that this debate, which has resulted in fairly strong feelings expressed in all parts of the House, is entirely understandable, and it will be repeated time and again in the future, just as it has been repeated in the past. Where a Government refuse to issue a writ for the replacement of a Member, of course people will feel that the constituents of that constituency, wherever it is, are not being treated fairly and that matters are being manipulated for the benefit of the majority party. That encapsulates some of the problems in the House with our electoral arrangements, which are exactly analogous with the fact that we do not have fixed-term Parliaments, which therefore means that the Prime Minister of the day can manipulate the timing of a general election to the benefit of the majority party in the House. The issue also highlights the fact that the business is in the control of the Executive rather than Parliament.

I am very much inclined to agree with what the hon. Member for South Staffordshire (Sir Patrick Cormack) said. In the same way that there is an automaticity about this issue in local government by statute, so there should be an automaticity about it in Parliament, either by statute or by our Standing Orders. The issuing of a writ should lie with the Speaker, and the writ should be placed before the House at the earliest opportunity. The only determining factor should be the convenience of the constituency returning officer, within very narrow parameters, as to when the election should be held. I hope that this matter will now be looked at, because the present arrangements are entirely unsatisfactory.

Notwithstanding that, we have conventions in this House about the way in which these matters are dealt with. However, conventions may be examined and, when necessary, removed. I believe that this convention is now overdue for removal. I entirely appreciate the arguments of the hon. Member for Dundee, East (Stewart Hosie). I think it likely that the Government will have their way today and that we will move on to the next business, but the hon. Gentleman has done a service to the House by pointing out the difficulties that this situation poses for the good people of Glasgow, who are currently unrepresented, and, more importantly, for the House, which again does not have the self-confidence to do its own work.

4.11 pm

Jim Sheridan (Paisley and Renfrewshire, North) (Lab): The synthetic tears of the separatists must be exposed. First, their party claims that the people of Glasgow, North-East will be without an MP for a matter of months. This is the same party whose leader, the First Minister, has almost the worst voting and attendance record in this House—second only to the Sinn Fein Members. The SNP has the cheek to complain that the people of Glasgow North-East do not have an MP, but where is the right hon. Member for Banff and Buchan (Mr. Salmond)?

Secondly, the SNP has made a point about school closures, but may I remind it that education is a devolved issue? The local council will deal with school closures, as will the Scottish Parliament. The constituency still has an MSP. Thirdly, the last time we went down this road, the SNP was the party that complained. It is absolute hypocrisy.

4.11 pm

Sir Nicholas Winterton (Macclesfield) (Con): May I help the House by relating some personal experience? I have contested two by-elections. The first was in 1969, when I contested Newcastle-under-Lyme. The Labour Member, the much-respected Stephen Swingler, had died, and I have to say that, on that occasion, the Labour party delayed holding the by-election for virtually nine months. I believe that that was unacceptable. In my constituency of Macclesfield, I had to wait almost six months for the by-election after my predecessor, Air Commodore Sir Arthur Vere Harvey, was elevated to the upper House as Lord Harvey of Prestbury. So, to an extent, both major parties use the holding of a by-election for political purposes. They make a judgment on how well or badly they are likely to do.

I will support the motion that has been moved by the hon. Member for Dundee, East (Stewart Hosie), because I believe that holding a seat vacant for virtually six months in this day and age is unacceptable. I do not go along with my hon. Friend the Member for South Staffordshire (Sir Patrick Cormack), who said that a by-election should be held within 28, or perhaps 40, days. However, I would certainly support another of his proposals: I hope that you will convene a conference on this matter, Mr. Speaker. I believe that a by-election should be held within three months, and I regret that, at this very difficult time for the country, the honourable and decent people of Glasgow, North-East are going to have to wait to have a representative. Even if Parliament is not sitting, they should still have a Member of Parliament to represent their best interests.

Several hon. Members *rose—*

Mr. Speaker: Order. I am sorry that the House was deprived of the services of the hon. Member for Macclesfield (Sir Nicholas Winterton) for a period of six months, and I think that that sentiment will be widely shared. May I also tell him that, on the strength of the contributions that have been made to the debate thus far, it is clear that there are a number of willing applicants for service on any future Speaker's Conference, where there to be such on this matter?

4.14 pm

Rob Marris (Wolverhampton, South-West) (Lab): I understand that if the writ were to be moved today, the by-election would be on 13 August. Will the Leader of the House advise me of the last date on which anyone resident in Glasgow, North-East who was not on the electoral register could apply to be put on to the register, were the writ to be moved today? Secondly, what would be the last date on which a resident of Glasgow, North-East who was on the register could apply for a postal vote, were the by-election to be held on 13 August?

4.14 pm

Mr. Nigel Evans (Ribble Valley) (Con): Speaking as someone who has fought two parliamentary by-elections—[Hon. Members: "Hear, hear."] I know I look too young. In my experience, irrespective of summer holidays and when children go back to school, as soon as candidates are chosen for political parties, the campaign begins for them. In my estimation, waiting until the House resumes in October, then moving a writ and having the parliamentary by-election in November as we approach winter is an argument for not having it at that time either. As far as the interests of the people of the said constituency are concerned, the sooner the by-election is brought on, the better for everyone.

Question put, That the amendment be made.

The House divided: Ayes 238, Noes 127.

Division No. 206] **[4.16 pm**

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Borrow, Mr. David S.
Brennan, Kevin
Brown, Lyn
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Byers, rh Mr. Stephen
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Tom
Clwyd, rh Ann
Coaker, Mr. Vernon
Cohen, Harry
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Dean, Mrs. Janet
Denham, rh Mr. John
Devine, Mr. Jim
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Field, rh Mr. Frank
Fisher, Mark
Flello, Mr. Robert
Flint, rh Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goodman, Helen
Griffiths, Nigel
Grogan, Mr. John
Hain, rh Mr. Peter
Hall, Mr. Mike
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kidney, Mr. David
Knight, rh Jim
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Malik, Mr. Shahid
Mallaber, Judy
Marsden, Mr. Gordon
Martlew, Mr. Eric
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Munn, Meg
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
Oiner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Starkey, Dr. Phyllis
Stewart, Ian
Straw, rh Mr. Jack

Sutcliffe, Mr. Gerry
Tami, Mark
Timms, rh Mr. Stephen
Todd, Mr. Mark
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Waltho, Lynda
Ward, Claire
Watson, Mr. Tom
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek

Tellers for the Ayes:
Mr. John Heppell and Mr. Dave Watts

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Arbuthnot, rh Mr. James
Atkinson, Mr. Peter
Baker, Norman
Baldry, Tony
Barker, Gregory
Beith, rh Sir Alan
Brady, Mr. Graham
Brazier, Mr. Julian
Breed, Mr. Colin
Browne, Mr. Jeremy
Bruce, rh Malcolm
Burstow, Mr. Paul
Butterfill, Sir John
Cameron, rh Mr. David
Campbell, rh Sir Menzies
Cash, Mr. William
Chope, Mr. Christopher
Clark, Greg
Clegg, rh Mr. Nick
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Duddridge, James
Duncan, Alan
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Field, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Goldsworthy, Julia
Goodwill, Mr. Robert
Gove, Michael
Grayling, Chris
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Stephen
Hands, Mr. Greg
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hoban, Mr. Mark
Hollobone, Mr. Philip
Hosie, Stewart
Howarth, David
Hughes, Simon
Hunt, Mr. Jeremy
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Laws, Mr. David
Lewis, Dr. Julian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Main, Anne
Mason, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Milton, Anne
Moore, Mr. Michael
Mulholland, Greg
Neill, Robert
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Osborne, Mr. George
Prisk, Mr. Mark
Pritchard, Mark
Randall, Mr. John
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Angus
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Rosindell, Andrew
Sanders, Mr. Adrian
Simmonds, Mark
Smith, Sir Robert
Soames, Mr. Nicholas
Spicer, Sir Michael
Stanley, rh Sir John
Stuart, Mr. Graham
Syms, Mr. Robert
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Wallace, Mr. Ben
Webb, Steve
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willis, Mr. Phil
Willott, Jenny
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
Mr. Mike Weir and Pete Wishart

Question accordingly agreed to.

Resolved,

That this House do pass to the Orders of the Day.

BILLS PRESENTED

Public Buildings (publication of Energy Performance Certificates) Bill

Presentation and First Reading (Standing Order No. 57)

Greg Clark, supported by Charles Hendry, Gregory Barker, Mr. Oliver Letwin, Bill Wiggin, Alan Simpson, Mr. John Gummer, Justine Greening and Mr. Tim Yeo, presented a Bill to require the Secretary of State to publish lists of energy performance certificates issued pursuant to the Energy Performance of Buildings Directive; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 16 October, and to be printed (Bill 147).

Public Transport (reward Scheme and Concessionary Fares) Bill

Presentation and First Reading (Standing Order No. 57)

Mr. Colin Challen presented a Bill to make provision for the introduction of a reward scheme for users of bus and rail services; and to extend the Bus Concessionary Fares Scheme.

Bill read the First time; to be read a Second time on Friday 16 October, and to be printed (Bill 143).

PARLIAMENTARY STANDARDS BILL (PROGRAMME) (NO. 2)

Motion made, and Question put forthwith (Standing Order No. 83(7)A),

That the following provisions shall apply to the Parliamentary Standards Bill for the purpose of supplementing the Order of 29 June 2009 (Parliamentary Standards Bill (Programme)):

Consideration of Lords Amendments

1. Proceedings on consideration of Lords Amendments shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement at this day's sitting.

Subsequent stages

2. Any further Message from the Lords may be considered forthwith without any Question being put.

3. The proceedings on any further Message from the Lords shall (so far as not previously concluded) be brought to a conclusion one hour after their commencement.—*(Steve McCabe.)*

The House divided: Ayes 237, Noes 120.

Division No. 207] **[4.29 pm**

AYES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Anderson, Janet
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Balls, rh Ed
Banks, Gordon
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz
Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Borrow, Mr. David S.
Brennan, Kevin
Brown, Lyn
Brown, Mr. Russell
Browne, rh Des
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Byers, rh Mr. Stephen
Byrne, rh Mr. Liam
Caborn, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Tom
Clwyd, rh Ann
Coaker, Mr. Vernon
Cohen, Harry
Cook, Frank
Cooper, Rosie
Cooper, rh Yvette
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dismore, Mr. Andrew
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Drew, Mr. David
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Fisher, Mark
Flello, Mr. Robert
Flint, rh Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goodman, Helen
Griffiths, Nigel
Grogan, Mr. John
Hain, rh Mr. Peter
Hall, Mr. Mike
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Mr. Tom
Havard, Mr. Dai
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Heppell, Mr. John
Hesford, Stephen
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hope, Phil
Hopkins, Kelvin
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Humble, Mrs. Joan
Hutton, rh Mr. John
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, Ms Diana R.
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kidney, Mr. David
Knight, rh Jim
Ladyman, Dr. Stephen
Lammy, rh Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Martlew, Mr. Eric
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Merron, Gillian
Michael, rh Alun
Milburn, rh Mr. Alan
Miliband, rh Edward
Miller, Andrew
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Morden, Jessica
Morgan, Julie
Mudie, Mr. George
Munn, Meg
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
Oiner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Purnell, rh James
Raynsford, rh Mr. Nick
Reed, Mr. Jamie
Reid, rh John
Robertson, John
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruane, Chris
Ruddock, Joan
Russell, Christine
Salter, Martin
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Snelgrove, Anne
Starkey, Dr. Phyllis
Stewart, Ian
Straw, rh Mr. Jack
Sutcliffe, Mr. Gerry
Tami, Mark
Timms, rh Mr. Stephen
Todd, Mr. Mark
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Williams, Mrs. Betty
Wills, rh Mr. Michael
Winnick, Mr. David
Winterton, rh Ms Rosie
Woodward, rh Mr. Shaun
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek

Tellers for the Ayes:
Helen Jones and
Mr. Dave Watts

NOES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Baker, Norman
Barker, Gregory
Beith, rh Sir Alan
Brady, Mr. Graham
Breed, Mr. Colin
Bruce, rh Malcolm
Burstow, Mr. Paul
Butterfill, Sir John
Campbell, rh Sir Menzies
Cash, Mr. William
Chope, Mr. Christopher
Clark, Greg
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Davies, Mr. Dai
Davies, David T.C. *(Monmouth)*
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Duncan, Alan
Dunne, Mr. Philip
Durkan, Mark
Evans, Mr. Nigel

Evennett, Mr. David
Fallon, Mr. Michael
Field, Mr. Mark
Fraser, Christopher
Gale, Mr. Roger
Garnier, Mr. Edward
Gauke, Mr. David
George, Andrew
Gidley, Sandra
Goldsworthy, Julia
Goodwill, Mr. Robert
Gove, Michael
Grayling, Chris
Greening, Justine
Grieve, Mr. Dominic
Hague, rh Mr. William
Hammond, Stephen
Hands, Mr. Greg
Harris, Dr. Evan
Harvey, Nick
Hayes, Mr. John
Heath, Mr. David
Heathcoat-Amory, rh Mr. David
Hoban, Mr. Mark
Hollobone, Mr. Philip
Hosie, Stewart
Howarth, David
Hughes, Simon
Hunt, Mr. Jeremy
Jack, rh Mr. Michael
Jackson, Mr. Stewart
Jenkin, Mr. Bernard
Jones, Mr. David
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Kramer, Susan
Laing, Mrs. Eleanor
Lewis, Dr. Julian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Main, Anne
Mason, John
McIntosh, Miss Anne
McLoughlin, rh Mr. Patrick
Milton, Anne
Moore, Mr. Michael
Mulholland, Greg
Neill, Robert
O'Brien, Mr. Stephen
Oaten, Mr. Mark
Ottaway, Richard
Pritchard, Mark
Pugh, Dr. John
Randall, Mr. John
Redwood, rh Mr. John
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Rosindell, Andrew
Sanders, Mr. Adrian
Simmonds, Mark
Smith, Sir Robert
Soames, Mr. Nicholas
Spring, Mr. Richard
Stanley, rh Sir John
Stuart, Mr. Graham
Swinson, Jo
Syms, Mr. Robert
Tapsell, Sir Peter
Taylor, Mr. Ian
Taylor, Matthew
Taylor, Dr. Richard
Teather, Sarah
Thurso, John
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Wallace, Mr. Ben
Weir, Mr. Mike
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Willis, Mr. Phil
Wilshire, Mr. David
Wilson, Mr. Rob
Winterton, Ann
Winterton, Sir Nicholas
Wishart, Pete
Young, rh Sir George
Younger-Ross, Richard

Tellers for the Noes:
James Duddridge and Mr. Stephen Crabb

Question accordingly agreed to.

Parliamentary Standards Bill

Consideration of Lords amendments

Before Clause 1

BILL OF RIGHTS

Lords amendment 1

4.40 pm

Mr. William Cash (Stone) (Con): I beg to move amendment (a) to Lords amendment 1.

Mr. Deputy Speaker (Sir Alan Haselhurst): With this it will be convenient to discuss the following: Lords amendments 2 to 31.

Mr. Cash: The Bill has received a great deal of attention for many reasons, but unfortunately the amendment that was passed in the House of Lords about the protection of the Bill of Rights, which goes to the heart of our proceedings in Parliament and therefore our sovereignty, right to free speech and a raft of other matters, does not achieve its objectives—at least, it achieves the wrong objectives. I deeply regret the fact that the Attorney-General is not a Member of this House, because it is more appropriate to deal with the Independent Parliamentary Standards Authority in this place so that we can ensure that we properly protect the privileges and rights of this House and of Members of Parliament, and that proper and fair procedures will apply that will not be overridden by an attempt to refer an issue to the European Court of Human Rights or the European Court of Justice. We do not hold those rights for our own benefit: we hold them on behalf of the electorate. It is on that point that I make my main case.

Sir Patrick Cormack (South Staffordshire) (Con): I do not for a minute dissent from what my hon. Friend is saying. He is moving an important amendment that certainly has my support. Does he agree that it is appalling that we have only one hour to consider a completely rewritten Bill? I readily acknowledge that it was substantially improved in the House of Lords, but we have only one hour to consider all the important Lords amendments, as well as my hon. Friend's very important amendment. Is this not a terrible way to treat the House on the last day before we rise?

Mr. Cash: I could not agree more with my hon. Friend. The entire proceedings on this Bill have been conducted in an extremely shabby manner. Indeed, some important statements have been made by some of the most distinguished officials in the House—and in the other place—and the reservations that have been expressed, for example by the House of Lords Constitution Committee, about the fast-tracking of this Bill are a matter of record.

The problem is that because of the sovereignty of this House it is essential that we protect our supremacy with regard to the borderline between what we do here and what may be referred to the European Court of Justice or the European Court at Strasbourg. The wording that I originally proposed, and which was adopted by my right hon. Friends on the Front Bench a couple of weeks ago, contained the words that I now propose to reinsert.

Unfortunately, the Bill was amended in the Lords so that the only words left were:

"Nothing in this Act shall be construed by any court in the United Kingdom as affecting Article IX of the Bill of Rights 1689."

The opening words were knocked out and excluded. I regard them as absolutely crucial to preserving the sovereignty of this House, and indeed of the electorate. They are as follows:

"Notwithstanding any provision of the European Communities Act 1972, the European Convention of Human Rights or the Human Rights Act 1998".

Having made that reservation, I concur with the wording of Lords amendment 1, as I have just set out.

Some distinguished lawyers took part in very learned discussions in the House of Lords. Lord Mackay of Clashfern and Lord Howe of Aberavon both made a number of brief comments but they did not go into the merits of the proposals to any extent. They simply averred their own opinions in a few sentences, whereas the Attorney-General gave a lengthy dissertation on the questions of privilege and other matters that relate to the Bill.

The fundamental question is as follows: if a disgruntled or aggrieved person raised an issue that ultimately led to judicial review, would a reference to the ECJ—or, to a slightly lesser extent, the European Court of Human Rights—override the jurisdiction of this House? The Attorney-General ruled out that possibility. In contrast, Lord Mackay, a former Lord Chancellor, said that although he did not think such a situation likely to arise, he could not rule it out. I have conferred on this matter with a number of eminent constitutional authorities—of such distinction that they are called on to give advice on matters in all the courts of law and in Parliament—and they agree with me that it is important that we retain in the Bill the words that my amendment proposes to reinsert. They accept that it would not be possible to assume that neither the ECJ nor the ECHR would not get their hands on a particular matter.

Mr. Dominic Grieve (Beaconsfield) (Con): I shall cheerfully support my hon. Friend's amendment if it is put to the vote, but I have one question for him. He mentioned the ECHR, but it does not have—and never has had—any jurisdiction over this or any other court in the land. It is the embodiment of a treaty obligation. It can rule that the proceedings of this House, for example, might be in breach of the European convention on human rights—although it might be foolish of it to do so—but that ruling cannot be binding. For that reason, the part of the amendment that he is presenting would not have any impact one way or another. The rest of it is of greater importance.

4.45 pm

Mr. Cash: I am grateful to my hon. and learned Friend. I am not going to disagree with him on that point, but I am concerned to remove uncertainty in a matter of such importance as this. In passing, I want to pay tribute to Lord Jenkin of Roding for the extremely efficient way that he dealt with this matter in the House of Lords.

I shall begin by setting out the problems posed by the European convention on human rights. There has been a great deal of comment, in the House of Lords and elsewhere, about a case in 2003 known as A. *v.* the United Kingdom. It is a lengthy judgment, and I do not have the slightest intention of going through all the detail, but it did not apply only to the UK. Other nations were concerned about possible intrusion into their privileges—Italy, France, Ireland, Finland, the Netherlands, Belgium and Austria played an active part in the case. It can fairly be said that the case did not settle the question of the application of article 6 of the European convention on human rights. I would go further and say the court concluded that

"the parliamentary immunity enjoyed by the Member of Parliament in the present case"—

A. *v.* the United Kingdom—

"pursued the legitimate aims…of protecting free speech in Parliament and maintaining the separation of power between the legislature and the judiciary."—[*Official Report, House of Lords,* 20 July 2009; Vol. 712, c. 1420.]

However, that was only with reference to that case, and there is no doubt whatever that the European Court did not exclude the possibility of difficulties in maintaining parliamentary privilege and that the court might in future need to take steps to override, effectively, what is done in this House.

The Court continued:

"The absolute immunity enjoyed by MPs is moreover designed to protect the interests of Parliament as a whole as opposed to those of individual MPs."

That is part of the Court's reasoning. The Bill would affect individual MPs, so it follows that the Court's nostrum would not be applicable if an MP was concerned whether he had had a fair trial or whether he was affected by the question of free speech or other matters that are included in the convention.

The question of the European charter of fundamental rights was not examined in the deliberations in the Lords to any significant or useful extent. The reality is that the charter, which was attached to the Lisbon treaty and which is binding, contains a lot of overlaps with the European convention on human rights. They run parallel, but of course the protocol that incorporates the charter invokes the ECJ. I should like to comment on the problems that I believe would arise in that context. We should also bear it in mind that under the well-established cases of Costa *v.* ENEL 1964 and cases such as Handelsgesellschaft and Van Gend en Loos, the Court in Luxembourg has made it absolutely explicit that

"the laws stemming from the Treaty, an independent source of law…cannot"

because of its special and original

"nature be overridden by"

domestic legal provisions,

"however framed, without being deprived of its character as Community law and without the legal basis of the Community itself being called into question."

The bottom line is this:

"This case…unequivocally declares the supremacy of Community law over inconsistent domestic law, including in particular domestic law introduced after accession. Community law also takes priority over inconsistent provisions of national constitutional law."

[Mr. Cash]

It is clear from article 53 of the charter of fundamental rights, which refers to the level of protection, that national constitutions are themselves involved. It states:

"Nothing in this Charter shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognised...by Union law and international law and by international agreements to which the Union, the Community or all the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms and by the Member States' constitutions."

If questions of privilege in relation to article 9 of the Bill of Rights, which includes references to proceedings in Parliament from which all other things flow, such as freedom of speech and so on, as well as the fairness of trials, are to be properly implemented, it is essential that we do not find ourselves in a position where there is any uncertainty about whether European law, and in particular the charter in regard to the ECJ, would override the proceedings of the House.

Mr. David Heathcoat-Amory (Wells) (Con): Has my hon. Friend taken note of the fact that the treaty of Lisbon, if ratified, will extend the competence of the EU into matters of law and the rights of the accused? If someone claimed to have been libelled or if a trial was prejudiced by proceedings in the House and what is said here, they could go to the European Court of Justice under the charter of fundamental rights to obtain redress. That, unlike the convention, is binding on us and is superior to English law because it is embedded in a superior treaty.

Mr. Cash: I absolutely agree. It was extremely disappointing to read both the Attorney-General's letter and her speech and find that she was so categoric about something that one simply cannot be categoric about. Because the question involves matters of such supreme importance, it is absolutely essential that we put it beyond any doubt. The Justice Secretary may say, "Oh, we don't need to do this," but my response would be that in the course of the proceedings on clauses 9 and 10 I put it to him that the Clerk of the House and the Speaker's counsel had come up with certain issues and when I asked whether he thought they were wrong, he said, "Oh no, they're not wrong", and then he just ploughed on. As it happens, the Government eventually had to give way, but in these circumstances it is essential that we act not merely with an abundance of caution but with prudence. It is precisely the judicial activism of the European Court of Justice and the Court at Strasbourg that continuously creates an extension of judicial activity and supremacy over our laws.

Mr. Bernard Jenkin (North Essex) (Con): Although the Attorney-General was pretty categoric, she was not absolutely categoric. She said that

"it is very unlikely that anything in the Bill would give rise to subject matter that could be interpreted by the European Court of Justice."—[*Official Report, House of Lords*, 20 July 2009; Vol. 712, c. 1423.]

The Attorney-General has not said "Never". If there was ever a case for belt and braces, it would seem to be this. If she had said that it could never possibly happen, the Government could legitimately oppose the amendment, but the fact that she said merely that it was "very unlikely" suggests that she holds out the possibility that it could happen.

Mr. Cash: Indeed, and I am grateful to my hon. Friend for making that important point.

If the Justice Secretary raises a question about whether the provisions of the charter are indeed addressed only to the institutions and bodies of the Union—as I anticipate he may—he ought to bear in mind the fact that the matter arises under article 51, whereas the reference I gave just now to the level of protection arises under article 53, which contains the phrase:

"Nothing in this Charter shall be interpreted as restricting".

That includes member states' constitutions. That provision has to override article 51, so in that, even if in no other manner, it clearly creates a conflict between the two provisions, which is a good reason why we need to make sure the measure is completely right.

Mr. Mark Field (Cities of London and Westminster) (Con): The uncertainty that my hon. Friend has expressed in great detail should worry all of us. Does he agree that realistically the Government must understand that there are constitutional issues up in the air? Do they not simply desire for public relations purposes to get a Bill—any Bill—on to the statute book before the House rises? That is an appalling abuse of the parliamentary system and does us collectively no great favours. It may give the Government a few good headlines tomorrow morning about how they got the Bill through, but the Bill has already been emasculated and would be further emasculated if we take my hon. Friend's proposals on board.

Mr. Cash: Indeed. In conclusion, this is a very important matter. It affects the sovereignty of the House, and therefore it directly affects the interests of our electorate. It is essential that the words that I have proposed should be inserted before the wording in the Lords amendment. I hope we will be able to vote on the matter later this evening.

5 pm

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): I hope it will be for the convenience of the House, particularly in view of the shortage of time—[Hon. Members: "Whose fault is that?"] I knew that would be said—but as the time is indeed short, for the convenience of the House I shall deal with the recommendation to the House that we accept all the Lords amendments, and why, and also respond as quickly as I can to the points made by the hon. Member for Stone (Mr. Cash).

Reference has been made to the improvements to the Bill. All three party leaders agreed—I say to the hon. Member for Cities of London and Westminster (Mr. Field)—that we should make proposals for a parliamentary standards authority. We had to do so from a standing start—

Angus Robertson (Moray) (SNP): There were more than three parties.

Mr. Straw: I commend the spokesman for the Scottish National party, who, if I may say so at the risk of damaging his political career, played a very constructive part indeed. I am extremely grateful to him, along with his colleagues from Plaid Cymru and the parties in Northern Ireland.

If I may correct myself, the leaders of the three largest parties in the House explicitly committed themselves to establishing a parliamentary standards authority. So, I believe, did the leaders of the other parties. Certainly, all parties co-operated actively in all-party talks, which I chaired with my right hon. and learned Friend the Leader of the House. We had to do that from a standing start. It has been quite the most difficult piece of emergency legislation that I have ever had to deal with over many years, because we started from a blank sheet.

I am not apologetic about the fact that the Bill has been changed on its way through the House. That has been the essence of the parliamentary process both here and in the other place. I would rightly have stood condemned had I sought to resist a series of changes that were urged on us as we pooled our collective wisdom from all sides of the House, at both ends of the building, to achieve a better Bill. We have achieved a very much better measure as a result, and I will take the House briefly through the principal changes.

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): Reverting to the right hon. Gentleman's opening remarks about the time allowed for this debate, it seems rather sad that yet again, a Bill aimed at the House of Commons had the fundamental work on it done in the House of Lords. We must get the systems in this place right so that we deal effectively with legislation here, rather than relying on the House of Lords.

Mr. Straw: I agree, as it happens. I hope that the Committee that we agreed last night to set up under the chairmanship of my hon. Friend the Member for Cannock Chase (Dr. Wright) will pin that down and ensure that more active time on the Floor of this House is used for legislation.

Sir George Young (North-West Hampshire) (Con): Whose idea was it to restrict this debate to 60 minutes?

Mr. Straw: The usual channels. The right hon. Gentleman knows that answer.

Sir Patrick Cormack: Will the right hon. Gentleman give way?

Mr. Jenkin: Will the right hon. Gentleman give way?

Mr. Straw: No, I shall proceed. Everyone knows how the arrangements are made.

Mr. Heathcoat-Amory: On a point of order, Mr. Deputy Speaker. My understanding is that "Erskine May" refers to a programming Committee that should sit and decide, on each Bill, the allocation of time. It seems from what the Justice Secretary has just said that the programme was agreed in some cross-party Front-Bench deal, to the disadvantage of the wider rights of the House. Could you advise the House whether any Committee did sit, whether it should have sat, and what its conclusions were before we were restricted to one hour's debate on a very complex Bill with over 30 amendments from another place?

Mr. Deputy Speaker: I am not aware whether any Committee has sat, but I rather doubt it. The plain fact of the matter is that it is entirely open to the Government to table a motion. That was done, that motion has been decided, and we are now living with the consequences. Whatever strong feelings there are in the House, we have limited time, and I should try to ensure that such time is used to debate what is on the Order Paper.

Mr. Straw: The amendments that were made in the other place are a reflection of the effectiveness of a bicameral system. I wish that there had been more time, but we shall leave it at that, because many of the Lords amendments were made in response to commitments given in the Commons. That is part of the purpose of a bicameral system.

The principal changes—I do not wish to entertain the House by running through all of them—change the way in which the enforcement powers in the Bill would operate. Members will recall that initially the Commissioner responsible for parliamentary investigations would have submitted reports to the Independent Parliamentary Standards Authority, which would have considered them and effectively given directions and recommendations to Members, and made recommendations to the Standards and Privileges Committee. In shorthand, IPSA has now been cut out of that arrangement, so the Commissioner will now report directly to the Standards and Privileges Committee—a much simpler process—except where either the Commissioner judges that a complaint is ill-founded or he or she has reached an accommodation with the Member concerned.

There are new safeguards in the Bill that pick up the recommendations of the Joint Committee on Human Rights. As for the offences, Members will recall that when the Bill left the House, there were three offences: paid advocacy; failure to register an interest; and making a false declaration. As a result of concerns about parliamentary privilege, I agreed that we would drop the provision on paid advocacy, which is covered by the proposed new offence of bribery in the draft Bribery Bill.

There were considerable concerns about the provision on the failure to register an interest. My noble Friend Baroness Scotland spelt out the fact that there is a difference—as indeed there is—between the offence of making a false declaration and the more severe offence in section 2 of the Fraud Act 2006. She pointed out that there are plenty of parallels for the offence, including offences in social security legislation under the European Communities Act 1972 and offences under the Scotland Act and the Government of Wales Act. That provision therefore remains in the Bill. Some other amendments have been made, including one in response to a recommendation from my hon. Friend the Member for Foyle (Mark Durkan), to ensure that IPSA provides MPs with general guidance about taxation issues.

Angus Robertson: When the Justice Secretary began the process of discussions with all the parties, which I very much welcomed, he argued that it was important to have four offences in the Bill, but in the final stage we are left with one. What kind of message does he think that sends the public? At the start he thought that it was important to have tough sanctions against parliamentarians who broke the rules, but we are now left with just one offence.

Mr. Straw: I do not accept that the sanctions are not tough—but there is the issue of how that is achieved. As for the paid advocacy, or "cash for questions", offence, the Bribery Bill proposals, which I commend, and which

[Mr. Straw]

include a carve-out on article 9 of the Bill of Rights—proposals that have yet to go through the House formally, but which have received approbation from Members on both sides of the House—will do that job.

There was controversy about the other two offences. Speaking for Members on both sides of the House—and it was I who urged one of the offences on the House—this was not a question of people going soft. It was about deciding what was the appropriate mechanism. The provision on making a false declaration remains in the Bill.

The final Lords amendment to which I wish to draw attention is the so-called sunset clause, which provides not that the Bill would automatically cease to have effect after two years, but that after two years, if clauses 5 to 9 of the Bill that left the Commons were to continue, they would have to be extended by an affirmative order, which would give the House a chance to draw breath and review the operation of the authority after, in practice, it has been in force for at least a year.

Now let me deal briefly with the proposal by the hon. Member for Stone, which would add at line 3:

"Notwithstanding any provision of the European Communities Act 1972, the European Convention of Human Rights or the Human Rights Act 1998".

I urge Members who support that amendment to reflect on the matter and not to put it to a vote. If they do, I urge the House to vote against it. The arguments against the suggestion in the amendment were well spelt out by Members from all parts of the House of Lords yesterday. There are two aspects to this: whether it is necessary, and if it is, whether it is possible to exclude the operation of, first, the European Court of Justice in respect of the European Union, and secondly, the European convention on human rights, as regards this authority and this House.

On the EU and its institutions, my noble Friend the Attorney-General said that she did not believe that the Bill had any effect on matters within the jurisdiction of the European Court of Justice, and she spelt out why. I think that it was the right hon. Member for Wells (Mr. Heathcoat-Amory) who said that the Attorney-General also used the words, "it is very unlikely," but as we are talking about the future, I must say that very few things are absolutely certain. I would, however, make a very large wager, which I am very happy to take in public as well as in private, that the prospect, first, of British judges in a British court deciding to refer to the ECJ is—

Mr. Grieve: Remote.

Mr. Straw: Remote, says the hon. and learned Member for Beaconsfield (Mr. Grieve). If they did, the prospect of the ECJ taking on that jurisdiction is doubly remote. I hope that that provides some reassurance.

Mr. Jenkin: There is no doubt that the charter of fundamental rights, if incorporated into the treaties, would create all kinds of legal apparatus in the European Union which would overlap with the matters in the Bill—and, indeed, with parliamentary privilege. Article 234 of the charter states unequivocally:

"Where any such question is raised in a case pending before a court or tribunal of a Member State against whose decisions there is no judicial remedy under national law, that court or tribunal shall bring the matter before the Court of Justice."

There is no question of there being a choice for the national court; there is an obligation on it to refer the case to the European Court of Justice. And, it is no good pretending that those matters in the charter of fundamental rights have nothing to do with free speech, because that is there, in the charter.

Mr. Straw: Mr. Deputy Speaker, you would not appreciate a discussion on the finer points of the Lisbon treaty just now, but I do not accept the hon. Gentleman's analysis, not least because of the horizontal clauses in the Lisbon treaty.

Philip Davies (Shipley) (Con): Will the right hon. Gentleman give way?

Mr. Straw: No. I am sorry, but I need to make progress.

On the second point, about the jurisdiction of the European Court of Human Rights, Lord Jenkin of Roding said:

"As these"—

ECHR matters—

"concern the international obligations of the UK...we could not simply assert our own constitutional arrangements as a conclusive answer."—[*Official Report, House of Lords*, 20 July 2009; Vol. 712, c. 1419.]

That is absolutely right. Indeed, the hon. and learned Member for Beaconsfield made exactly the same point on an intervention, when he said that such an amendment, even if it were introduced into law, could not be binding or have any impact. That is because both obligations arise in international law, under treaties that we have signed up to.

Mr. Cash *rose*—

Philip Davies *rose*—

Mr. Straw: No, I am going to stop there.

It is open to us as a sovereign Parliament to denounce our subscription to both treaties or to either treaty, in which case we would no longer have the burdens and obligations of either the European Union or the European convention on human rights. If we wanted to do that, that would be the appropriate thing to do—but in the absence of that, certain consequences follow from international treaty obligations, and, no matter what is in the amendment, those obligations would operate. In any event, however, I warrant that the European Court of Justice would not take up any jurisdiction.

On the European Court of Human Rights, although there is no way in which one can stop an individual petitioner petitioning the ECHR in Strasbourg, there would not be an issue. The hon. Member for Stone is wrong to say that the matter is about a reference being made by a court. Our courts do not make references to Strasbourg; individuals put forward petitions against the UK Government. As we know from the 2003 case of A *v.* United Kingdom, the prospects of such a reference then being entertained are limited to the point of zero.

I urge the hon. Member for Stone to withdraw the amendment. If he does not, I urge the House to vote against it.

5.15 pm

Alan Duncan (Rutland and Melton) (Con): We are asked to consider the amendments made in another place. May I say at the outset, before I go through some of the detail, that we on the Conservative Benches broadly support the amendments that the Lords have made to the Bill? Most have been the subject of vigorous debate and negotiation.

Just over a week ago, the Bill arrived in the House in a state of some confusion. It was immediately clear that the Government were trying to do too much in too short a space of time. As I explained in my Second Reading speech, which I will not rehearse again now, it was obvious that Ministers had been required, at very short notice, to create a Bill that had—initially, at least—to match the Prime Minister's press release, no matter what the consequences. It quickly became apparent that those consequences would have had a devastating impact on the House and the ability of its Members to go about their business freely and without being trammelled by the judgment of the courts. That was not just our opinion, but that of the Justice Committee, the Joint Committee on Human Rights and the Clerk of the House.

So we are pleased that the Government have made some significant concessions, both in this House and another place, that have ensured that we have, in large part at least, avoided a full-on constitutional collision with the judiciary. We have now achieved most of what it was ever necessary to achieve in the interim, before Sir Christopher Kelly's committee reports in October—that is, the establishment of an independent fees office that will set and administer our allowances and expenses and provide an independent mechanism to investigate any alleged misuse of those allowances and expenses.

I now turn to the amendment to Lords amendment 1 tabled by my hon. Friend the Member for Stone (Mr. Cash). We appreciate what my hon. Friend is trying to do. The House will note that a stipulation is already laid down in Lords amendment 1, which explicitly states that the issue of parliamentary privilege will remain unchanged by the Bill. The House will also note the powerful points made by the Attorney-General in her letter to their lordships and her speech to the upper House on Report.

It would be impossible to exclude the European Court of Human Rights from the Bill, because we have an international treaty obligation not to do so. However, an ECHR judgment has no real power in this country because, as my hon. and learned Friend the Member for Beaconsfield (Mr. Grieve) has consistently pointed out, it is not enforceable as such in our courts. If the Government felt obliged to adhere to whatever judgment the ECHR had made, they would have to go through the painful route of introducing primary legislation. I should register my doubt that amending the Bill to exclude the Human Rights Act would have any effect at all, given Lords amendment 1.

However, despite all that, the intention behind the amendment tabled by my hon. Friend the Member for Stone is completely clear. It is reasonable, given the concern registered and the number of colleagues who signed up to the amendment, that Conservative Front Benchers should support it. As this final concession will not have any negative impact on the Bill, I urge the Government to give it to us and join us in the Lobby.

Mr. Jenkin: Will my hon. Friend recall the words of the Justice Secretary? He said that he was prepared to wager that nothing arising from the Bill would go in front of the European Court of Justice. Are we to make the foundations of our constitution depend on a wager made by the Justice Secretary? Why do we not just put in place the belt and braces that we need?

Alan Duncan: At the risk of annoying the House, I shall put €10 on it now.

I am pleased that the Government accepted Lords amendment 1, a Conservative amendment that categorically states that the issue of parliamentary privilege will remain unchanged in the Bill. The original Bill would have succeeded in unravelling, in just a few days, fundamental rights that have been at the foundation of our democracy for centuries. Although the Justice Secretary held to a remarkably calm and sanguine view of the impact that the Bill would have had on the proceedings of Parliament, great anxiety—even alarm—was expressed by the Clerk of the House, by two Select Committees of this House and by many hon. Members on the Floor of this House, as well as by a great number of Lords and Ladies, and their Committee in another place, who thought it best, given the nature of this concern, to ensure that there was an explicit warning to the courts that there was nothing here for them. We agree, and we are glad that the Government have acquiesced.

On Lords amendment 2, we are pleased that the Government have agreed that nothing in the Bill should affect the House of Lords. We entirely support the intention behind the amendment to ensure that if the House of Lords wishes to establish a similar body it can do so, perhaps with the wisdom of our experience behind it.

As regards IPSA and the commissioner, I will not go through every amendment in detail, but I will touch on each clause to see exactly where we have ended up. There have been very few changes to the fundamental restructuring established by the Bill, for under clauses 1 to 4 IPSA will essentially set the allowances regime, pay salaries and allowances, design our code of conduct on financial interests, administer the register of financial interests and establish procedures for investigations. The Lords have also untangled the dual roles of the Parliamentary Commissioner for Standards and the Commissioner for Parliamentary Investigations. The Government have made the commitment that the existing non-statutory role currently undertaken by John Lyon will remain, responsible to the Committee on Standards and Privileges, in addition to the new statutory Commissioner for Parliamentary Investigations.

However, the commissioner's role will be separate from IPSA, so there is now nothing in the Bill suggests that the new body functions both as judge and jury, and that is surely a sensible approach. The commissioner will investigate complaints of any breaches or misuse of the expenses and allowances regime or the rules on the registration of interests. He will then refer his findings, as appropriate, to the Committee on Standards and

[Alan Duncan]

Privileges, if the matter has not already been settled by repayment. He will receive any relevant information from Members and report any non-co-operation to the Committee. He will also give Members the right to make representations, to be heard in person, and to call and examine witnesses. In addition, the Government have removed two offences: first, on the registration of financial interests; and secondly, on paid advocacy. Those are covered elsewhere in law.

We are very pleased to have a sunset clause. Any legislation that is put through so quickly, and from a standing start, will benefit well from revision and reassessment at a set date in the future. On clauses 5 to 9, the Government have accepted our argument on the need for such a two-year sunset. We understood the argument that the Justice Secretary made to this House on the potential damage that an overall sunset clause would have had on IPSA's ability to get itself up and running and to recruit and retain staff.

Mr. Heathcoat-Amory: The Leader of the Opposition has announced a quango hunt. Has my hon. Friend noticed that the sections of the Bill that are largely untouched are the schedules setting out Crown appointments, pensions and pay with regard to the new quango? Has he any idea of the additional costs to the public purse? If it turns out that the new commissioner's duties can be adequately undertaken by the existing Parliamentary Commissioner for Standards, will he keep the new body on the quango-hunt list, at least provisionally?

Alan Duncan: Thanks to our hard work, my right hon. Friend will be able to advance all those arguments when the sunset clause is triggered in about two years' time. He may well find that he has some very good arguments.

Mr. Cash: My hon. Friend referred to what I was trying to do. I simply make the point that the "notwithstanding" provision is in line with the metric martyrs' case and Lord Denning's judgments, both of which raise the question of whether, under our laws, we preserve our parliamentary system. It is vital for us to understand that.

Alan Duncan: I understand my hon. Friend's point, which he has made strongly. I sense that he wishes to push his amendment to a Division shortly.

We should all face up to the fact that the Bill is essentially a panic measure. The Government have been forced to make it up as they go along. Even before the ink is dry it is not perceived, in the eyes of many, as a permanent solution. One of the great remaining problems is that the various elements that make up a Member's remuneration are assessed in an utterly fragmented way. The authority will consider only expenses and allowances. There is a pressing need for some structure or system that can examine pay, pensions, allowances and expenses as one, so that the House does not have to suffer being chewed in different places at different times, as we have been in the past few weeks.

However, a greater problem is already on the radar. It appears as though a collision is looming between the Independent Parliamentary Standards Authority and the Committee on Standards in Public Life. Sir Christopher Kelly would appear to have been angered by the origin and the passage of the Bill. The battle lines already seem to be drawn between the Bill and the Kelly committee, which is studying so much of what we do.

Sir Christopher Kelly has said that he views IPSA as a transitional arrangement, against which he may come out strongly in his report in October. Far from being a great, lasting solution to a deep problem that has hit us all in the past few months, it now appears that we should be prepared for a substantial showdown between the new body that we are establishing to set and administer our expenses, and the old body that we set up to advise on them.

Mr. Straw: Does the hon. Gentleman acknowledge the point, which I made to Sir Christopher and his colleagues when I gave evidence to his committee last week, that his committee called for entirely independent setting and administration of allowances—and pay—and for having those arrangements well established before the election? As I explained to Sir Christopher and his colleagues, unless we put the legislation through now, there is no way we could have the arrangements in place and settled before the next election.

Alan Duncan: In the Secretary of State's intervention we see the seeds of the very confrontation that Sir Christopher Kelly has—if not predicted—at least suggested that he would have a view on. We would all like a solution to the way in which we are paid and the way in which our expenses are administered, so that all of us, with our honourable differences, can get on with our job of being politicians. In a few months' time, this Bill may or may not turn out to be a good start to that end. We must wait and see. In the meantime, we accept the amendments that were made in another place, and we want to press on.

Mr. David Heath (Somerton and Frome) (LD): May I first concur with the views of my hon. Friend the Member for West Aberdeenshire and Kincardine (Sir Robert Smith)? It is ridiculous that so few Members will have the opportunity to speak about the Bill, which was so markedly changed in another place and affects every Member. It is simply not right.

Sir Patrick Cormack: Twelve minutes left.

Mr. Heath: It is not my fault that there are 12 minutes left—I wish it were otherwise.

The Bill initially had clear and admirable intentions. It was supported by the leaders of all the parties represented in the House as an urgent and necessary measure. It was then inflated to an unsustainable extent, and we went from a proposed parliamentary standards Act to an amazing vanishing act as provisions disappeared in the face of strong arguments adduced by the Joint Committee on Human Rights, the Procedure Committee and many others, which looked at the matter and perceived the many difficulties. Essentially, we now have a Bill to set up the Independent Parliamentary Standards Authority—IPSA is "facta" as a result of the Bill, but very little else is.

5.30 pm

The Bill is emergency legislation. It does a key thing that Parliament has willed shall happen. In doing so, the Bill has stepped on the toes of parliamentary privilege to an unacceptable degree. That aspect has been improved by amendment in another place, but I very much regret the fact that we do not have a proper sunset clause, because it is right that Parliament should re-examine the legislation in the near future, for all the reasons that have been set out previously. That should be done on the Floor of the House, not in a Statutory Instrument Committee. The hon. Member for Rutland and Melton (Alan Duncan) said that his right hon. Friend the Member for Wells (Mr. Heathcoat-Amory) could say something about the deficiencies of the legislation when the sunset clause came up, but unless he is selected to appear on the Statutory Instrument Committee, he will have no such opportunity. That is regrettable. A proper sunset clause should have been included in the Bill.

Let me deal with the three offences that were originally intended under the legislation. I have a difficulty with what is proposed, because—*[Interruption.]* The hon. Member for Rutland and Melton is saying something from a sedentary position that I must allow him to say in public.

Alan Duncan: Is it not the case that the hon. Gentleman's party voted against a full sunset clause—or at least argued against one—in another place?

Mr. Heath: The hon. Gentleman needs to look at Lords *Hansard* from yesterday, where he will find the amendment from my noble Friend Lord Tyler that precisely said that a sunset clause should come into effect after two years to deal with the clauses in question. The hon. Gentleman will find that my party supported that, while his did not. If he wishes to argue that case, I hope that he will read Lords *Hansard*. *[Interruption.]* He had better have a look before making another intervention.

Let me deal with the specific offences dealt with by the Bill. I am in some difficultly, because there are already clear offences on the statute book covered by the Theft Act 1968, the Fraud Act 2006 and the common-law offence of misconduct in public office. I accept that they are all English laws and do not apply in Scotland, but they are the laws that should be applied. The difficulty with creating laws that are specific to Members of Parliament is that it reduces the scope of those offences and provides a lower tariff than would otherwise be the case. The one offence that is left in the Bill as a result of the amendments in another place provides for a much lower tariff than the cognate offences in the Theft Act and Fraud Act. The other difficulty is that the offence in question does not require proof of either dishonesty or material gain, so it is almost an arbitrary offence.

There was a case for having a range of offences—the range of offences that we discussed earlier in connection with paid advocacy, which I accept may be covered by the draft bribery Bill or the offence of false registration. To reduce that range of offences to a single offence that is clearly covered by other offences that carry a higher tariff poses some questions. However, that is something that we can re-examine when the provisions come back.

Let me finish by addressing the issue raised by the hon. Member for Stone (Mr. Cash). I always listen with enormous care to what he says on such matters, because I know how well he researches his facts and I know the care with which he presents his case. I am pleased that we now have a clear declaratory statement about article 9 of the Bill of Rights 1689. I have looked carefully at his arguments for extending it in words to the European Court of Justice and the European Court of Human Rights, but I am afraid that I simply cannot see doing that anything other than otiose, nor can I find the circumstances in which it will make a difference.

As has been said, the European Court of Human Rights is a matter of international treaty. It is the right of any individual to make an application to the Strasbourg court, and nothing that we write into our statutes will prevent that from happening, unless we decide to withdraw from our treaty obligations. Therefore, the proposal will not affect that right. Indeed, in the case to which attention has already been drawn—A. *v.* United Kingdom of 2003—it is clear that the Strasbourg Court very much had regard for article 9 of the Bill of Rights, despite the fact that the Court is not bound by it, in the strong majority decision that was made. I cannot envisage any circumstances in which a British court would refer a matter to the European Court of Justice in this regard. If anyone could provide a clear case in which the measure might be appropriate, I would support the hon. Member for Stone's amendment.

Mr. Jenkin: Will the hon. Gentleman give way?

Mr. Heath: I am sorry, but I do not have time to take an intervention. Other people still wish to speak, and we simply do not have enough time.

Mr. Jenkin: There are circumstances.

Mr. Heath: I cannot see any such circumstances; nor could the Attorney-General, according to her very full statement in the other place, and nor could other noble and learned Members of the other place whose opinions I trust. I therefore conclude that I cannot envisage circumstances in which the extra wording would be operative, and if it cannot be operative, it is not appropriate to insert it into the Bill. I support the Lords amendments in their generality, and I hope that the Bill will now make progress this afternoon.

Sir Stuart Bell (Middlesbrough) (Lab): I will be brief, Mr. Deputy Speaker. First, I would like to render the House's significant approbation for the work of the Clerk of the House, Dr. Malcolm Jack, and of Mr. Robert Rogers in dealing with the privilege question. They were aided and abetted by the right hon. Member for North-West Hampshire (Sir George Young) and others. The Bill, with the amendments before us, will end the cosy relationship between the Fees Office and the Members of Parliament—notwithstanding the sterling work that the staff of the Fees Office have done over the years. It should be placed on record that the Justice Secretary and the Deputy Leader of the House have shown extraordinary patience and forbearance in this matter, and started from scratch, as my right hon. Friend said. As we are celebrating the first landing on the moon 40 years ago, it seems appropriate to say that this might

[Sir Stuart Bell]

be one small step for Parliament, but it should be a more important step towards restoring public confidence in the institution of Parliament.

Sir George Young: In the very short time left, I want to have a final go at amending the Bill. I invite the Government not to press Lords amendment 12 to a vote. The amendment is a big mistake. It would remove the right of IPSA to refer a matter to the commissioner. The notes that the Government have circulated on the amendments state:

> "This is consequential on the IPSA ceasing to have a role in considering whether to give a direction or make a recommendation in consequence of an investigation by the Commissioner."

It is no such thing; this is an entirely free-standing proposal. The amendment represents a backward step. If we pass it, IPSA will be unable to pass any evidence of wrongdoing to the commissioner for investigation. It cannot be right for the House to proceed with Lords amendment 12.

There are other issues that I would have liked to explore, had more time been available. I want to protest that this is simply no way in which to handle constitutional legislation. When we debated the Bill before it went to the other place, we did not complete our consideration of all the clauses. It then had three days in the other place, but at least there were gaps between those three days, in which Members of the other place could reflect on the proposals and Ministers could make helpful suggestions. The Bill has now come back to us. The Lords did not mean us simply to take it or leave it, yet all these disparate amendments have been lumped together. Anyone who wants to vote against Lords amendment 12, as I do, will have no opportunity to do so, because of the way in which the motion has been framed.

Mark Durkan (Foyle) (SDLP): Does not the right hon. Gentleman's point about Lords amendment 12 also apply to a number of the other amendments? Their net effect will be that we shall end up with an IPSA with less independence and less authority, and which will be concerned with fewer and lower standards.

Sir George Young: If there were more time, the hon. Gentleman would have an opportunity to make his case—

Sir Patrick Cormack: On a point of order, Mr. Deputy Speaker. I apologise to my right hon. Friend the Member for North-West Hampshire (Sir George Young) for interrupting him. This is such a parliamentary farce. We have had just one hour in which to discuss all these important issues, and my right hon. Friend has just touched on a very important one. Would you be kind enough, Sir, to discuss with Mr. Speaker the way in which this Bill has gone through the House? He told us all that he was anxious for Parliament to regain its sovereignty, so would you, Mr. Deputy Speaker, be kind enough to ask him to look at the statements that he made just four weeks ago and compare and contrast them with the way in which the Government have treated this House over this supremely important Bill?

Mr. Deputy Speaker: I am sure that Mr. Speaker will take account of what has been said in this debate.

Sir George Young: Whatever peroration I may have been preparing—

5.40 pm

Debate interrupted (Programme Order, this day)

The Deputy Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83F), That amendment (a) to Lords amendment 1 be made.

The House divided: Ayes 82, Noes 276.

Division No. 208] **[5.40 pm**

AYES

Afriyie, Adam
Ainsworth, Mr. Peter
Amess, Mr. David
Atkinson, Mr. Peter
Baldry, Tony
Barker, Gregory
Binley, Mr. Brian
Bottomley, Peter
Brady, Mr. Graham
Brazier, Mr. Julian
Butterfill, Sir John
Cash, Mr. William
Chope, Mr. Christopher
Clark, Greg
Cormack, Sir Patrick
Cox, Mr. Geoffrey
Crabb, Mr. Stephen
Davies, Philip
Djanogly, Mr. Jonathan
Dodds, Mr. Nigel
Dorrell, rh Mr. Stephen
Duncan, Alan
Dunne, Mr. Philip
Evans, Mr. Nigel
Evennett, Mr. David
Fallon, Mr. Michael
Field, rh Mr. Frank
Field, Mr. Mark
Fraser, Christopher
Garnier, Mr. Edward
Gauke, Mr. David
Goodwill, Mr. Robert
Greening, Justine
Grieve, Mr. Dominic
Hammond, Mr. Philip
Hammond, Stephen
Hands, Mr. Greg
Hayes, Mr. John
Heathcoat-Amory, rh Mr. David
Hoban, Mr. Mark
Hogg, rh Mr. Douglas
Hollobone, Mr. Philip
Jack, rh Mr. Michael
Jenkin, Mr. Bernard
Jones, Mr. David
Kirkbride, Miss Julie
Knight, rh Mr. Greg
Laing, Mrs. Eleanor
Lewis, Dr. Julian
Lidington, Mr. David
Lilley, rh Mr. Peter
Loughton, Tim
Maude, rh Mr. Francis
McLoughlin, rh Mr. Patrick
Neill, Robert
O'Brien, Mr. Stephen
Ottaway, Richard
Price, Adam
Pritchard, Mark
Randall, Mr. John
Robathan, Mr. Andrew
Robertson, Hugh
Robertson, Mr. Laurence
Robinson, Mrs. Iris
Rosindell, Andrew
Simmonds, Mark
Stanley, rh Sir John
Stuart, Mr. Graham
Syms, Mr. Robert
Taylor, Dr. Richard
Turner, Mr. Andrew
Tyrie, Mr. Andrew
Vaizey, Mr. Edward
Vara, Mr. Shailesh
Wallace, Mr. Ben
Whittingdale, Mr. John
Widdecombe, rh Miss Ann
Wiggin, Bill
Wilshire, Mr. David
Winterton, Ann
Winterton, Sir Nicholas
Young, rh Sir George

Tellers for the Ayes:
James Duddridge and Mr. Rob Wilson

NOES

Ainger, Nick
Ainsworth, rh Mr. Bob
Alexander, rh Mr. Douglas
Armstrong, rh Hilary
Austin, John
Bailey, Mr. Adrian
Baird, Vera
Baker, Norman
Balls, rh Ed
Banks, Gordon
Barron, rh Mr. Kevin
Battle, rh John
Bayley, Hugh
Beckett, rh Margaret
Begg, Miss Anne
Beith, rh Sir Alan
Bell, Sir Stuart
Benn, rh Hilary
Benton, Mr. Joe
Berry, Roger
Betts, Mr. Clive
Blackman, Liz

Blackman-Woods, Dr. Roberta
Blears, rh Hazel
Borrow, Mr. David S.
Bradshaw, rh Mr. Ben
Brake, Tom
Breed, Mr. Colin
Brennan, Kevin
Brown, Lyn
Brown, Mr. Russell
Browne, rh Des
Browne, Mr. Jeremy
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Colin
Burnham, rh Andy
Burstow, Mr. Paul
Butler, Ms Dawn
Byers, rh Mr. Stephen
Byrne, rh Mr. Liam
Cabom, rh Mr. Richard
Cairns, David
Campbell, Mr. Alan
Campbell, Mr. Ronnie
Caton, Mr. Martin
Cawsey, Mr. Ian
Chapman, Ben
Clapham, Mr. Michael
Clark, Paul
Clarke, rh Mr. Charles
Clarke, rh Mr. Tom
Cohen, Harry
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Cousins, Jim
Crausby, Mr. David
Creagh, Mary
Cruddas, Jon
Cummings, John
Cunningham, Mr. Jim
Cunningham, Tony
David, Mr. Wayne
Davies, Mr. Dai
Dean, Mrs. Janet
Denham, rh Mr. John
Dhanda, Mr. Parmjit
Dobbin, Jim
Dobson, rh Frank
Donohoe, Mr. Brian H.
Doran, Mr. Frank
Dowd, Jim
Drew, Mr. David
Durkan, Mark
Eagle, Angela
Eagle, Maria
Efford, Clive
Ellman, Mrs. Louise
Engel, Natascha
Ennis, Jeff
Farrelly, Paul
Fisher, Mark
Fitzpatrick, Jim
Flello, Mr. Robert
Flint, rh Caroline
Follett, Barbara
Foster, Mr. Michael *(Worcester)*
Foster, Michael Jabez *(Hastings and Rye)*
Francis, Dr. Hywel
Gapes, Mike
Gardiner, Barry
George, rh Mr. Bruce
Gerrard, Mr. Neil
Gilroy, Linda
Goodman, Helen
Grogan, Mr. John
Hain, rh Mr. Peter
Hall, Mr. Mike
Hamilton, Mr. David
Hanson, rh Mr. David
Harman, rh Ms Harriet
Harris, Dr. Evan
Harris, Mr. Tom
Harvey, Nick
Havard, Mr. Dai
Heath, Mr. David
Hendrick, Mr. Mark
Hepburn, Mr. Stephen
Hesford, Stephen
Hewitt, rh Ms Patricia
Heyes, David
Hill, rh Keith
Hodgson, Mrs. Sharon
Hood, Mr. Jim
Hope, Phil
Hopkins, Kelvin
Hosie, Stewart
Howarth, David
Howarth, rh Mr. George
Howells, rh Dr. Kim
Hoyle, Mr. Lindsay
Hughes, Simon
Humble, Mrs. Joan
Iddon, Dr. Brian
Illsley, Mr. Eric
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs. Siân C.
Jenkins, Mr. Brian
Johnson, rh Alan
Johnson, Ms Diana R.
Jones, Helen
Jones, Mr. Kevan
Jones, Lynne
Jones, Mr. Martyn
Jowell, rh Tessa
Joyce, Mr. Eric
Kaufman, rh Sir Gerald
Keeble, Ms Sally
Keeley, Barbara
Keen, Alan
Keen, Ann
Kennedy, rh Mr. Charles
Kidney, Mr. David
Knight, rh Jim
Kramer, Susan
Ladyman, Dr. Stephen
Laws, Mr. David
Laxton, Mr. Bob
Lazarowicz, Mark
Lepper, David
Levitt, Tom
Lewis, Mr. Ivan
Linton, Martin
Lloyd, Tony
Love, Mr. Andrew
Lucas, Ian
Mackinlay, Andrew
Malik, Mr. Shahid
Mallaber, Judy
Mann, John
Marris, Rob
Marsden, Mr. Gordon
Marshall-Andrews, Mr. Robert
Martlew, Mr. Eric
Mason, John
McCabe, Steve
McCafferty, Chris
McCarthy, Kerry
McCarthy-Fry, Sarah
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr. Pat
McFall, rh John
McGovern, Mr. Jim
McGuire, rh Mrs. Anne
McIsaac, Shona
McKechin, Ann
McNulty, rh Mr. Tony
Merron, Gillian
Michael, rh Alun
Miliband, rh Edward
Moffatt, Laura
Mole, Chris
Moon, Mrs. Madeleine
Moore, Mr. Michael
Morden, Jessica
Morgan, Julie
Mulholland, Greg
Munn, Meg
Murphy, rh Mr. Jim
Murphy, rh Mr. Paul
Naysmith, Dr. Doug
Norris, Dan
Oaten, Mr. Mark
Olner, Mr. Bill
Osborne, Sandra
Owen, Albert
Palmer, Dr. Nick
Pearson, Ian
Plaskitt, Mr. James
Pound, Stephen
Prentice, Bridget
Prentice, Mr. Gordon
Primarolo, rh Dawn
Prosser, Gwyn
Pugh, Dr. John
Purnell, rh James
Rammell, Bill
Raynsford, rh Mr. Nick
Reed, Mr. Andy
Reed, Mr. Jamie
Robertson, Angus
Robertson, John
Robinson, Mr. Geoffrey
Rooney, Mr. Terry
Roy, Mr. Frank
Roy, Lindsay
Ruddock, Joan
Russell, Christine
Ryan, rh Joan
Salter, Martin
Sanders, Mr. Adrian
Sarwar, Mr. Mohammad
Seabeck, Alison
Sharma, Mr. Virendra
Shaw, Jonathan
Sheridan, Jim
Simon, Mr. Siôn
Simpson, Alan
Skinner, Mr. Dennis
Slaughter, Mr. Andy
Smith, rh Angela E. *(Basildon)*
Smith, Geraldine
Smith, rh Jacqui
Smith, Sir Robert
Snelgrove, Anne
Starkey, Dr. Phyllis
Stewart, Ian
Stoate, Dr. Howard
Straw, rh Mr. Jack
Stuart, Ms Gisela
Sutcliffe, Mr. Gerry
Swinson, Jo
Tami, Mark
Taylor, Matthew
Teather, Sarah
Thurso, John
Timms, rh Mr. Stephen
Todd, Mr. Mark
Trickett, Jon
Turner, Dr. Desmond
Turner, Mr. Neil
Twigg, Derek
Ussher, Kitty
Vis, Dr. Rudi
Walley, Joan
Waltho, Lynda
Ward, Claire
Wareing, Mr. Robert N.
Watson, Mr. Tom
Webb, Steve
Weir, Mr. Mike
Whitehead, Dr. Alan
Williams, rh Mr. Alan
Willis, Mr. Phil
Wills, rh Mr. Michael
Winnick, Mr. David
Winterton, rh Ms Rosie
Wishart, Pete
Woodward, rh Mr. Shaun
Wright, Mr. Anthony
Wright, David
Wright, Mr. Iain
Wyatt, Derek

Tellers for the Noes:
Mr. John Heppell and Mr. Dave Watts

Question accordingly negatived.

The Deputy Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order 83F).

Motion made, and Question put, That this House agrees with Lords amendment 1.—*(Mr. Straw).*

Question agreed to.

Remaining Lords amendments agreed to.

Summer Recess Adjournment

Motion made, and Question proposed, That this House do now adjourn.—(*Mr. Roy*).

Mr. Deputy Speaker (Sir Alan Haselhurst): I am looking for the hon. Member I was going to call, but that may be more difficult than I thought. *[Interruption.]* The hon. Gentleman almost begs too much. I call Mr. Hoyle.

5.54 pm

Mr. Lindsay Hoyle (Chorley) (Lab) *rose—*

Mr. Deputy Speaker: Order. Overcome by the excitement of the moment, I should have reminded the House that it is reasonable to lift the limit on Back-Bench speeches from five to seven minutes.

Mr. Hoyle: Excellent!

Mr. Deputy Speaker, thank you for giving me the chance to raise some important issues affecting my constituency and others.

A review of the Forensic Science Service is taking place and I would be failing if I did not mention that. We are talking about 200 scientists, and the scientific base within the north-west, who are solving the most hideous crimes. There is a proposal to close the service within the north-west, meaning that we will be reliant on Birmingham or Yorkshire to sort out the problems.

If we were talking about London—the No. 1 crime hotspot—we would not think of closing such a service. However, we are talking about closing a service in what is—because of the great cities of Liverpool and Manchester—the No. 2 crime hotspot. The proposal makes absolutely no sense. We have some of the leading forensic scientists. The university of Central Lancashire is second to none and has world-class status in forensic science degrees. We should be looking at the service being brought together between the university and the Forensic Science Service in the north-west. It should be the last facility that we should consider closing.

It is a rather strange situation and I believe that common sense will prevail and that a review will show that it would be silly to close the facility. I have had an Adjournment debate on the subject and have made these points clearly. I met the Prime Minister to make sure that he was aware of the sensitivities of the matter and how crass that decision would be. We have quality people, solving crimes and working for many police forces, including Cheshire, Greater Manchester, Liverpool, Lancashire, Cumbria, North Wales and even Staffordshire. A huge service is being provided at Chorley and we cannot allow it to close, as that would be a further attack on our science base within the north-west. We have already seen the synchrotron go from Daresbury and we do not want to see any more closures or attacks on our scientific base.

The other big issue facing the north-west is jobs and there is great concern about Jaguar Land Rover, which has announced over 300 redundancies at its plant at Liverpool. That is bad news. I want manufacturing to be put on the front foot and for it to receive more support from the Government. Manufacturing has had support but I would like to see even more. That could be done through the short time working subsidy. We have seen that operating in France, Germany and even Wales. I would have thought it was time for the Government to bite the bullet. I do not believe that we should be subsidising people through the jobcentre to be unemployed when, for the same amount of money, we can support them within their job. That is why the subsidy would make a real difference to people within manufacturing and would keep those companies ticking over.

When we come out of the recession, we want to be best placed to ensure that the skills are there. We want to train people when they are in employment and make sure that they have a future. I cannot see a better way of doing that and we ought to back it up with a national jobs summit, at which we could bring together the employers, trade unions and bodies such as Federation of Small Businesses to make sure we deliver on the future of jobs. Following that, we could have regional jobs summits to bring people together. Manufacturing is the future of the country and should be its backbone. We should learn from previous Governments, and from this Government, who have wanted to believe in the service industry and the banking industry. We have learned a costly lesson that manufacturing is important and it ought to be No. 1 again.

In my constituency, there is a good charity called Derian House that was about to lose £350,000 to Customs and Excise. I believe that there is good news today and that Derian House will get that money back from Customs and Excise. Common sense has prevailed. We won the moral argument and we have now won the argument completely. That is good news in which all constituents throughout the north-west can share.

It is right that we are under attack at present. We had an Equitable Life statement earlier today, and a lot of my constituents are affected by that. We were disappointed in the question and the answers. What we want from the Government is action, not words, so that our constituents get the compensation they deserve. We must ensure that that is done sooner rather than later.

I have touched on the Forensic Science Service in Chorley and the attack on jobs, but I also want to mention the tax office in Chorley. There is an award-winning tax office there, and another in Hyndburn. The office in Chorley is in a purpose-built building. It was never down for closure. In fact, it was held to be an example of the best way to run a tax office: the staff were second to none, and, as I have said, the office was award winning and purpose built. Although it was not down for closure, guess what happened? The tax office in Blackburn was down for closure and so was the one in St. Helens. Suddenly, however, although we were not down for closure because we had an award-winning office, there appears to have been some interference. The office in Blackburn is no longer going to close and neither is the one in St. Helens, but those in Hyndburn and Chorley are going to close. How can that be right? Has there been political interference? If there has, that is unacceptable. I hope that the Treasury is listening, and that it will reopen this tax office and let common sense prevail, because although it is down for closure, it is not closed yet. We could bring in other work. As we know, increasingly people are applying for tax credits. We want to be able to ensure that they get their credits right. Why do we not bring that work into Chorley, and into the office in the constituency of my hon. Friend the

Member for Hyndburn (Mr. Pope) as well? We can deliver on these things, and it is important that we do so.

Fuel duty is a big issue for constituents such as mine, who live in an urban-rural area. The constituency covers 80 square miles and it has many parishes. People are reliant on their cars. They also expect items to be delivered, because we live in a rural community. We are a farming area as well. We need the 2 per cent. escalator to be scrapped. All it will do is add to inflation and stop us coming out of recession early. I plead with the Government to listen to what we are saying about the fuel escalator. It must not go ahead in October. That would help to ensure that the recession ends sooner.

6.2 pm

Sir Robert Smith (West Aberdeenshire and Kincardine) (LD): It is a pleasure to follow the hon. Member for Chorley (Mr. Hoyle). He raised a range of issues. The last of them was the fuel duty, which is extremely important in rural areas, and I echo his message to the Government to listen on that.

The hon. Gentleman also mentioned Equitable Life. We have had an oral statement from a Minister in response to an urgent question. The hon. Member for Chorley said he did not like the question. I thought the question was very good, but the answers were somewhat lacking. If we are going to have an ombudsman service and if we want to encourage people to save, when the ombudsman highlights maladministration and a remedy is identified, the Government should look very carefully at that remedy, because if people are going to invest in future, they will need to have confidence that there will be proper regulation. The Government want to encourage greater saving, but that will not happen if regulators fail and then there is no compensation. People are not going to be encouraged to save if we do not have a system that gives them confidence that when things go wrong there will be compensation.

Mr. Hoyle: Will the hon. Gentleman give way?

Sir Robert Smith: As I am a Front-Bench spokesperson, I am fortunate in not having a time limit on my speech, so I shall give way.

Mr. Hoyle: I would like to put it on record that there was nothing wrong with the question on Equitable Life; it was the answer that I was disappointed with. I thank the hon. Gentleman for allowing me to clarify that.

Sir Robert Smith: I am pleased to have done that. Although I am aware that I am not subject to a time limit, I am also conscious that many Members wish to speak and it would be unfair of me not to take time into account. I therefore want to concentrate on a key constituency issue by highlighting the first report of the Energy and Climate Change Committee, which, appropriately, was on the UK offshore oil and gas industry.

I must at this point declare an interest that appears in the Register of Members' Interests: I have a shareholding in Shell. I am also vice-chair of the all-party group on the offshore oil and gas industry, which paid a visit to the Offshore Northern Seas conference in Stavanger, which was funded by various oil companies. A more recent entry that is about to go in the register is a visit to the carbon capture and storage pilot project in south-west France that was funded by Total.

My real interest, however, is that of a constituency MP representing the concerns of many constituents whose livelihoods depend on the health of the oil and gas industry. That is an interest I have not just as a constituency MP; I am an MP for the north-east of Scotland, which has been fundamentally tied up with this industry for many decades. Moreover, this interest involves the whole country; it may be unheard of in the rest of the country, but what has been achieved in the North sea has involved a golden opportunity for the whole country. It has delivered many jobs—between 350,000 and 400,000 at present. It has contributed massive revenues to the Chancellor—a third of his corporation tax last year came from the North sea. It also made it possible for this country to meet its Kyoto commitments by the use of gas as a more environmentally friendly fuel than coal. The North sea has therefore delivered a lot for this country, including a period of great energy security when we were an exporter of energy. However, that is now changing.

There are challenges facing the North sea now, which the Select Committee highlighted. The specific challenge is that facing any province reaching greater maturity: the big finds have long ago been identified, and now we have moved on to the smaller fields, but they have to compete for investment in a global financial market. They need to be competitive in that global financial market and they need the Government to recognise the challenges they face.

As the Committee made clear, the industry is looking not for a subsidy, but for a fairer and more effective tax regime that takes less tax up front and thereby offers more incentives to invest, and in the long run brings in more tax to the Chancellor, because with that investment more oil and gas will be produced, which will earn more revenue for the Chancellor. Any oil and gas left in the ground produces no tax revenues. It belongs to the country, but we only get it out of the ground by engaging with the private sector. It is that sector's skills and expertise that get it out of the ground. We need a regime that encourages that future bold move to get more out of the ground.

There is another North sea challenge in the current period. Many of the platforms are reaching an age when they might usually have been decommissioned: their maintenance is getting more expensive as they were not designed to last this long, but—fortunately—they were over-engineered so they are still in active use. The current pipelines and platforms are, however, crucial hubs to future exploration. The finds that are now being made are too small to justify stand-alone production. They need to be linked back to the existing platforms and pipelines in the North sea. Once those platforms and pipelines have gone, whole areas of the North sea will be sterilised from future investment and production. Timing is vital to maintain them, and to encourage those hubs to be there. The Select Committee felt the Government should go further in their tax incentives to bring in more activity on the existing platforms so that they continue to be economic and to be invested in and so that future developments can be tied back to them.

In a mature province such as the North sea, such smaller future developments are not attractive to the big global companies that have their own cash reserves

[Sir Robert Smith]

to invest. The tradition is that smaller and more nimble companies move in to take over that investment and that exciting exploration. However, those smaller and more nimble companies rely on the financial markets to unlock the investment, and the credit crunch and the recession have hit them as much as they have hit the rest of the economy. The Select Committee has therefore proposed to the Government that the tax relief that will come to these smaller companies when they get into production should be paid up front and then taken back later when the production comes in. That would assist their cash flow.

Another exciting prospect highlighted by the Committee is the future gas finds west of Shetland. There are still large fields there, but it is a very challenging environment in which to operate: it is very stormy and there are very deep waters. Again, we think the Government should incentivise activity in that whole west of Shetland province, because if some of those major fields west of Shetland are developed, that will provide a great psychological boost to the oil and gas community and will produce more excitement in the markets about the potential of the North sea. All this is about security of supply for our energy needs, future tax revenues from those fields and—above all from a constituency point of view—the jobs that come from that work.

The jewel in the crown of maintaining an efficient and vibrant home market is the growing export market that the UK has built up around the world. We are now world leaders in the frontiers of deep sea oil and gas exploration and production—subsea engineering—and we export our skills around the world. The fact that we still have a base in the UK means that that big manufacturing and industrial sector remains in the UK, bringing money back to the UK economy. For all those reasons, I urge the Government to respond boldly to the Select Committee's recommendations and create a brighter future for the North sea and for the security of this country's energy supplies.

As we enter the recess—

Mr. Nigel Evans (Ribble Valley) (Con): Long recess.

Sir Robert Smith: It is a long recess, which our leaders say we should not be having. As we enter it, I should make the point from this Front Bench that the House carries on, and many functions will take place here and much work will be done by many staff of the House. I wish, again, to place on the record a thank you, through you, Madam Deputy Speaker, from Liberal Democrat Members to the staff of the House for all they do to support our work throughout the year and to make it possible for Parliament to function so efficiently and effectively.

Several hon. Members *rose*—

Madam Deputy Speaker (Sylvia Heal): Order. May I remind right hon. and hon. Members that the seven-minute time limit on Back-Bench contributions now applies?

6.11 pm

Mr. Gordon Prentice (Pendle) (Lab): I do not need seven minutes to say what I have to say, which is about delays in investigating freedom of information complaints. Maurice Frankel, the director of the Campaign for Freedom of Information, had an interesting piece in *The Guardian* exactly two weeks ago entitled "A slow and sluggish trudge to transparency—A backlog of cases and a budget shortfall is making the Freedom of Information Act toothless". That is what he believes, and he tells us that the backlog in the Information Commissioner's Office is such that

"on average it takes eight months before an investigation into a complaint even begins. More than a quarter of cases wait for over a year"

to get started. That is just unacceptable.

At the beginning of this month, on 3 July, the campaign published a report entitled "Delays in Investigating Freedom of Information Complaints". It states that

"46 per cent. of cases took between 1 and 2 years from complaint to decision notice"

and that

"25 per cent. of cases took between 2 and 3 years to a decision".

In the long run, we are all dead and a Parliament runs for a maximum of only five years, yet people are waiting for years for the Information Commissioner to come forward with a decision—I am one of those people.

In November 2007, in the Public Administration Committee, I raised the case of Michael Ashcroft with the Cabinet Secretary. I did so because in March 2000, No. 10 issued a press release that said that Michael Ashcroft had given—I paused for effect there—

"a clear and unequivocal assurance"

that he would take up permanent residence in the UK by the end of the year—by the end of 2000. To this day, he refuses to answer the question on that. I, therefore, raised it with the Cabinet Secretary in the Select Committee in November 2007. Sir Gus O'Donnell got back to me, saying that the Cabinet Office has no jurisdiction over either House of Parliament and he did not see a role for him on the issue of the undertaking, as it was really not a matter for him. On the other question of residency, he said that it was exempt information because it involved a conferring by the Crown of an honour or dignity—that refers to Michael Ashcroft's peerage. The second reason the information was exempt was that it related to personal information provided, by Michael Ashcroft, in confidence.

Those reasons were bogus and spurious, so I appealed. My appeal was considered by the permanent secretary at the Cabinet Office and it was turned down in March 2008. At the end of that month, I wrote to the Information Commissioner and the matter has been with the Information Commissioner ever since. To this day, I do not know why there has been a huge delay of 16 months. I am asking only for two simple pieces of information. I do not want to know how much tax Lord Ashcroft is paying, but I want to know the answer to the following questions: to whom did Michael Ashcroft give that assurance and what form did that assurance take—was it oral, in a letter or in an e-mail? I have been denied those two straightforward pieces of information for 16 months.

I have also tabled a question to the Cabinet Office. As I had this vision of the Information Commissioner's office being submerged in a tidal wave of information from the Cabinet Office relating to those two simple requests, I asked the Cabinet Office how many documents the Department had supplied to the Information Commissioner about my request. The Cabinet Office

refused to say. I did not want it to specify the nature of the documents; I asked how many documents the Cabinet Office had passed over to the ICO, but the shutters came down. This makes a mockery of the Freedom of Information Act 2000. This issue involves someone who was given an honour, but he is in our legislature, down there—

Dr. Julian Lewis (New Forest, East) (Con): Up there.

Mr. Prentice: He is up there voting on, formulating and participating in the laws of the land. I am talking not about the laws of Belize, but about the laws of the United Kingdom, so I want the new Information Commissioner to listen to what I am saying today and ensure that I have this information within the next four weeks. If I do not have it by then, I will raise this matter again when we return in October.

6.17 pm

Mr. Roger Gale (North Thanet) (Con): The House should not rise for the summer recess without addressing and resolving a situation facing a small but significant number of citizens of the United Kingdom who are being denied their right to "exportable benefits". In October 2007, the European Court of Justice determined that aspects of disability living allowance, attendance allowance and carer's allowance were sickness benefits, rather than "special non-contributory benefits" and were therefore exportable and payable to United Kingdom claimants living in other EU states and Switzerland. That decision has, potentially, a profound effect on the incomes and well-being of those who, having left the United Kingdom to take up residence in other EU states, had benefits to which they had previously been told they had an entitlement for life, summarily withdrawn in 1992.

Let us be clear: these are not rich people who have chosen to leave the United Kingdom to take their money with them and live in large villas with swimming pools; they are, by implication, all suffering from advancing disability, and most are elderly and drawing United Kingdom pensions. They have, throughout their working lives, paid UK taxes and national insurance contributions and have earned the right to those continuing benefits to which the ECJ says they are entitled. It would appear that there are about 2,000 to 3,000 such people and their moving abroad has probably saved the UK taxpayer significant sums in continuing health care costs.

Although the ECJ ruling was issued in October 2007, it was not until 24 February 2009 that the Department for Work and Pensions finally issued its eligibility criteria for the payment of exportable benefits. First, the Department has imposed a condition that claimants must have resided in the United Kingdom for 26 out of the previous 52 weeks before claiming—inevitably, many people who moved abroad before the ECJ ruling have found their claims rejected on those grounds. Secondly, claimants are told that their applications for reinstatement fall because they did not appeal within the time limits set following the original decision to terminate benefits. Given that the ECJ ruling was not announced until October 2007, that is clearly a condition designed to facilitate the rejection of claims for reinstatement, rather than to facilitate them. Indeed, in a letter to me dated 14 April 2009 the relevant Work and Pensions Minister said:

> "Where no appeal was made, decisions made before the ECJ ruling on 18th October 2007 cannot now be revised because it was not until that court ruling that these decisions were shown to be errors in law".

In other words, the Government were saying, "We acted erroneously in law but you should have known that before the ECJ ruling and lodged an appeal. Because you did not do that your claim is now out of time and we don't have to pay you the money that the ECJ says is lawfully yours." What an honourable Government should have done, as swiftly as practicably possible following the ECJ ruling in October of 2007, is to have written to every known claimant whose payments had been terminated by the Department and advised them that, following the ECJ decision, their claims were being reinstated and backdated. There should have been no requirement on the claimants to instigate action to regain that to which they were and are entitled.

One claimant, who has had his application rejected, is my constituent John Hamilton, now resident in France. Mr. Hamilton has 44 years of United Kingdom national insurance contributions behind him, paid during a long career in teaching and civil engineering. He had his eligibility to receive disability living allowance confirmed for life on 17 June 2002 while still resident in the UK. His last full payment of DLA was made, after he advised the DWP of an impending move to France, on 23 May 2006. Mr. Hamilton and his wife left to live in France on 9 June of that year.

On 13 March 2008 my constituent found on the internet a reference to the October 2007 ECJ ruling and wrote to the Department requesting reinstatement of his benefits. He was told that the exportability team were

> "awaiting confirmation of the eligibility criteria".

Following the publication of the long-awaited criteria in February of 2009, Mr. Hamilton received a letter telling him that a decision maker had rejected his claim. My constituent then submitted a request for an appeal hearing before an independent tribunal. To date he has received no date for a tribunal hearing and no satisfaction.

What Mr. Hamilton—and many others in a similar situation—should have received is an apology from the Department for the chaotic mismanagement and delay following the ECJ ruling, immediate reinstatement of his benefits and, in his case, backdated payments from the date of termination in May 2006. John Hamilton was claiming DLA before he left the UK. He was awarded it for life. The ECJ has ruled that he is entitled to this benefit, and he and others like him want and deserve their money without further delay.

If this Government and this Minister seek to prevaricate further at the expense of a few elderly and infirm UK citizens and their carers who have paid their dues to the United Kingdom, it will be to their eternal shame. I hope that when she comes to respond, the Minister will feel able to announce that all of those who have had their benefits terminated will now, and without further argument or appeal, have them reinstated along with reparation in the form of back payments. Nothing less will suffice.

6.23 pm

Alison Seabeck (Plymouth, Devonport) (Lab): There are several issues of importance to Plymouth that I could mention today, including how we could speed up

[Alison Seabeck]

the connectivity of broadband; how we respond to the Walker review of water supplies, in view of the high water costs in the south-west region, and how some fairness could be brought into the charging system; or the need for further investment in transport, given our peripherality. However, in the past few weeks, one issue has been raised with me frequently by telephone and letter, and that is the problems with leasehold managing agents.

In 2006-07, according to the English housing survey, more than 1.5 million households were owned leasehold, so about 11 per cent. of the total owner-occupied sector could be subject to management by a managing agent. Most leaseholders lead a problem-free existence and are happy with the way in which their properties are managed and their relationship with their freeholder. However, for a significant minority, this is not the case and most MPs will know from their casework in both the private rented and residential leasehold sector that people's lives can be made a misery.

Typically, where a block of properties is owned leasehold, the freeholder appoints a managing agent to maintain the property, arrange building insurance and look after any communal areas. These managing agents will levy fees on the leaseholders for the provision of these services and should explain these charges—but that does not always happen, as I will explain later.

The managing agent sector is a multi-million pound industry, and one which is at the moment entirely without objective and independent scrutiny and regulation. In the last two months alone, I have had complaints about four separate managing agents. Many of the concerns raised have a common theme, and interestingly many of the properties affected in Plymouth are part of the portfolio that was sold off by the Ministry of Defence. The complex web of sales has been part of the problem for residential leaseholders, who have had difficulty tracking down their landlord and then the managing agent responsible for ensuring that works are carried out.

For example, a company called Novograde bought a tranche of ex-MOD properties from Annington Homes in Barne Barton. Novograde employed a company called Labyrinth Properties Ltd to manage that property. The Shorepoint residents came to me because they were receiving bills from Labyrinth for work which they claimed had never been carried out, and when they tried to contact the managing agent seeking the details of the maintenance being done, nothing was forthcoming. I tried to make contact with Novograde to see if it would put pressure on its agents. I also contacted a company called Galliard Homes whose name cropped up, but whose role was unclear. I contacted Labyrinth, to try to get them to talk to the residents. Sadly, none had the decency to respond to my request for a meeting.

Some progress now appears to have been made. Labyrinth has lost its contract to a company called TMS, and TMS has already been in touch with me and seems to be moving in a more positive direction. It has acknowledged that the area has been poorly managed and that the residents have not had the information to which they were entitled. Clearly the jury is still out, but I have encouraged TMS to engage with the residents and vice versa.

In the case of the Shorepoint properties, one issue of concern was the common areas, including play areas, which were neglected and potentially a health hazard. The problem was that no one was taking responsibility for those areas. Residents are often, and understandably, concerned with their own individual properties and simply expect the private landlord to ensure that the grounds are maintained, as their contracts provide. Common area maintenance is not initially residents' first priority. However, when the exterior becomes overgrown and when residents are being charged for maintenance and nothing is being done, they get more than a little irritated. Some managing agents and freeholders will try to delay action and dispute land ownership to avoid paying out for remedial action. This of course often then puts pressure on the local authority—and the council tax payer—when it has to be called in to inspect areas and serve notices, if appropriate, on the landlord.

Leaseholders are often invoiced for works outside the legal timeframe, and invoices are sent out incorrectly—either too soon or with the urgency of a final demand without prior warning. In Vicarage gardens, St. Budeaux, there is now an active group of residents—lovely people—who are in some cases very frightened because they have received court summons and final demands for sums that they believe they have been incorrectly charged. Pier Management, which oversees these properties, again proved elusive until very recently. It has at last responded to letters I sent on behalf of a resident—an elderly woman—who had been sent a court summons for moneys which, when broken down, she had either paid or were in fact not due for some time. The lady in question has at least been reimbursed and I now understand that progress is being made with other residents.

However, some questions remain unanswered. The residents have not been allowed to see the insurance cover which exists for their buildings. These are a series of mainly maisonettes which have four properties in them and which are wholly free-standing. The residents want to know why they cannot organise their own buildings insurance. The managing agents simply say that all the properties should be insured as a single portfolio. I would welcome the Minister's confirmation that that is in fact the case, and if it is, the issue should be revisited.

In another part of my patch, a company called Solitaire is the managing agent; again, until very recently and following my involvement, its unwillingness to speak to or meet residents has led to a serious breakdown in relations. It has now met residents, and its regional director has taken away their concerns. The residents produced figures showing that the percentage increase in charges was astronomical with no obvious improvement in the service offered. They quite rightly felt that this was unacceptable. I am pleased to say that yet again there has been some progress. Errors have been found in the company's budget figures that make a considerable improvement in the charges levied.

Why is it acceptable for these companies not to provide the service for which leaseholders pay not inconsiderable sums annually? They should not have to engage the support of the local MP. Leaseholders should be able to access their landlord and know where to contact them. The same applies to private tenants, and I am pleased that the Government appear to be making progress towards changes in this regard.

I am not condemning all leasehold managing agents. The professional association is keen to see the sector cleaned up. Finally, I ask Ministers to give serious consideration to any legislative change to the practices of letting and managing agents of residential leasehold properties, because many companies offer both services and the abuses are the same.

6.30 pm

James Duddridge (Rochford and Southend, East) (Con): I want to speak about aeroplanes, tax and flowers—a combination that probably has not been addressed by the House so far.

I shall speak first about planes. There has been much debate recently about Heathrow. I opposed the third runway there and I also oppose the development of the Thames estuary airport that is sometimes known as "Heathrow-on-Sea" or "Boris Island". Whatever it is called, it is a rehash of the Maplin Sands proposal of the 1970s and it is wholly and totally inappropriate. However, I fully support the expansion of Southend airport.

That may appear contradictory, but the expansion of the facilities at Southend airport would be very positive for the town and the surrounding area. The main expansion would involve lengthening the runway from 1,605 to 1,799 metres. That would make Southend a successful regional airport with the capacity to serve 1 million to 2 million passengers, and so similar to the very successful airport at Southampton.

Southend's economy is heavily interwoven with tourism, and a fully functioning passenger airport would provide a major boost to the town. However, Southend cannot rely on tourism alone, as it also needs to rely heavily on the business sector. The airport plays an important part in that respect as well.

Hi-Tec is a big company with its headquarters in Southend, to which it relocated mainly because of the existence of the airport and the capacity that it offered for staff to get around Europe. A larger airport would offer more passenger flights, and both Southend and Rochford councils have made a strong commitment to developing a business park. The airport already employs 1,300 people: its expansion would create at least another 1,000 jobs, but my gut feeling is that there would be a great many more.

There are always different views on airport expansion. I have received many letters and e-mails both supporting and opposing expansion. I conducted my own survey of local business people and 62 per cent. said that they supported expansion of the airport, with only 13 per cent. saying that they opposed it.

Politicians can disagree with each other as well. In our last recess Adjournment debate, my hon. Friend the Member for Southend, West (Mr. Amess) set out some of his legitimate concerns about expansion, but the final decision rests with councillors in Southend and Rochford. I urge them to have some backbone: they should do what is right for the town and not worry about political point scoring. Some politicians in both towns have stepped up to the challenge, but not all. We should set aside party politics and do the right thing for Southend.

The consultation on the joint area action plan closed on 15 May. It was a mistake for the councils in Southend and Rochford to request the airport not to get involved and to stay silent. It was also a mistake by the Stobart Group to acquiesce in that and not to get out and sell the benefits of the airport. Now that the consultation is closed, there should be much more aggressive selling of the benefits that an expansion of Southend airport could bring, especially as we approach 2012. Southend is closer to London than Stansted, with faster journey times to the capital.

I turn now to the question of tax credits. I know that Mr. Speaker is keen to speed up responses to parliamentary questions, and I hope he will consider extending that to parliamentary correspondence as well. I have written to the Financial Secretary to the Treasury about my concerns about queries to the tax credits office and, given that over the next 10 days some of my constituents will fill in their tax credits renewal forms, that is a very appropriate matter to raise today.

Some families in my area have children leaving full-time education. If they do not notify the tax credits office of that, they could end up in receipt of an overpayment of tax credits and thus being fined more than £300. The system is a mess, and the responses from the tax credits office are poor, untimely and sometimes not especially comprehensive. The result is that several clarifications have to be issued, and the extended correspondence can cause confusion. It is a great disincentive to people taking on the extra work and promotions that would be notifiable to the tax credits office.

I turn now to flowers. I have noticed that Members of Parliament sometimes get the bit between their teeth about really small issues. Given the bigger issues such as the recession and the economy, it may seem odd to speak about Southend hospital's decision to ban flowers, but things are sometimes symbolic. The ban on flowers is symbolic of a public institution that has lost touch with reality—one that has lost the common touch.

Ministers have said that the flower ban is a matter for the local hospital trust, but I am sure that if they seriously thought that flowers were a risk to health, they would issue national guidance on the matter. An article entitled "The Evidence Base and Infection Risks from Flowers in a Clinical Setting" was published in the *British Journal of Infection Control* in 2005, and I am sure that hon. Members of all parties will have read it in great detail. It states that there is no "robust evidence" that flowers cause a problem, and it goes on:

> "Occasionally, new practices become part of clinical routines despite the lack of supporting evidence. Banning flowers from general hospital wards falls into this category."

Another survey that I held found that more than 70 per cent. of people wanted to keep the display of flowers in hospital. The journalist Matthew Stanton spearheaded a campaign in the popular local newspaper the *Yellow Advertiser*, to which the majority of respondents also said that they wanted the hospital to allow flowers in the wards.

Last week, I went to the hospital at quite short notice to see a friend, and I found it to be dirty, depressing and disorganised. The visit confirmed some of my worst fears, and the hospital's failure to see common sense on flowers is on the same level as the failures that have caused it to become dirty and have poor patient flows. Despite its multi-million pound budget, the chairs are crumbling and there is not a decent one to sit on. The ragged signs on the walls telling one where to go suggest that the operation there is not run in a professional way.

[James Duddridge]

The symbolism of the ban on flowers represents a much greater problem at Southend hospital, and it is a problem that I hope the hospital addresses.

ROYAL ASSENT

Madam Deputy Speaker (Sylvia Heal): I have to notify the House, in accordance with the Royal Assent Act 1967, that Her Majesty has signified her Royal Assent to the following Acts:

Appropriation (No. 2) Act 2009

Finance Act 2009

Borders, Citizenship and Immigration Act 2009

Political Parties and Elections Act 2009

Parliamentary Standards Act 2009.

6.37 pm

Colin Burgon (Elmet) (Lab): Neville Chamberlain once talked about

"a quarrel in a far away country between people of whom we know nothing."

That could apply to the subject that I want to raise today—the recent military coup in Honduras.

People probably do not know much about Honduras, but the journal *Business Week* tells us:

"Honduras is one of the poorest countries in the Western Hemisphere. Two-thirds of its 7.8 million citizens live below the poverty line...The country has one of Latin America's most unequal distributions of wealth: the poorest 10 per cent. of the population receives just 1.2 per cent. of the country's wealth, while the richest 10 per cent. collect 42 per cent."

President Zelaya was elected to lead the country in 2005. A member of the Honduras Liberal party, he was a wealthy rancher and a man of the centre or centre right. Under pressure of events, however, he began to change his politics and he implemented several progressive measures during his time in office. He raised the minimum wage by 60 per cent.—something that new Labour might note. He also gave out free school lunches and provided milk for babies and pensions for the elderly. He cut the cost of public transport, made scholarships available for students and forged alliances with the progressive Governments in the continent of Latin America such as those of Venezuela, Bolivia and Ecuador.

President Zelaya also sought to institutionalise many of his progressive developments with constitutional change. The non-binding poll of the public that he proposed for 28 June was aimed at gauging support for a proposed constituent assembly to redraft the constitution ahead of a ballot in November. This is the translation of the question:

"Do you agree that, during the general elections of November 2009 there should be a fourth ballot to decide whether to hold a Constituent National Assembly that will approve a new political constitution?"

That step was too much for the military, and as a result, on 28 June—the day the ballot was supposed to take place—the President was kidnapped, bundled on to a plane and flown out of the country, and the military junta and the leading oligarchs in the country came together to form what is effectively an illegal Government.

The Honduran junta has rightly been almost totally isolated. It has been rejected by the General Assembly of the United Nations, the Organisation of American States and the European Union, among others. It is rare that I pay tribute to Ministers, but I pay tribute to the newly installed Under-Secretary of State for Foreign and Commonwealth Affairs, my hon. Friend the Member for Rhondda (Chris Bryant), who has responsibility for Latin America. He responded very quickly and efficiently and made a statement to put on record Britain's opposition to the coup. It is also important that the EU yesterday suspended more than $90 million in aid to Honduras in the wake of the coup.

However, such opposition has so far been ineffectual in restoring Zelaya to government and stronger action is needed. Obviously, that stronger action should come from America, because at the end of the day, it calls the shots in what is historically its back yard. There were hopes of real change with the election of President Obama, but we can see that there are tensions within the American Government. Clinton, the Secretary of State, is possibly somewhat enamoured of the new regime and does not want to take the action that others in America would like. If the US is to break with the past and work with people rather than against them, as President Obama told the conference of Latin American leaders it wants to, the steps that he must take are clear. The Honduran Government—or rather, the supposed Government—must be replaced and a democratically elected President must be installed.

We hear lots about human rights in the media, but since the coup on 28 June that installed Roberto Micheletti, the regime has unleashed a wave of repression of human rights. Protesters and political activists have been killed, 1,300 people have been arrested, and there have been curfews, widespread media censorship and the violation of other civil liberties.

That is important, because although we have joked in the past about banana republics and Governments being changed on a monthly or daily basis, most of Latin America has emerged from that darkness and the people have begun to take charge of their destiny. We have seen that throughout the Latin American continent, including central America. The military junta represents an attempt to turn the clock back to those dark, dark days. If those dark days return, it will mean real hardship for the millions of people in central and Latin America.

I hope that the Deputy Leader of the House will re-confirm that the UK is absolutely and implacably opposed to the Honduran military regime, and that the UK will do all it can to restore the democratically elected regime.

6.43 pm

Mr. Andrew Turner (Isle of Wight) (Con): The Isle of Wight shares many problems with the mainland, and has a few of its own. My time as the island's MP is often taken up addressing those matters and explaining their importance to the House and to Ministers. With that in mind, I should like to extend my thanks to certain Ministers for their help this year with issues that have affected my constituents.

Three months ago the right hon. and learned Member for North Warwickshire (Mr. O'Brien), then a Minister in the Department of Energy and Climate change,

contacted me with news that Vestas was planning to close its operation on the Isle of Wight. Later I wrote to the First Secretary of State, Lord Mandelson, to ask for his support and advice. Vestas is a hugely profitable Danish company and has operations across the world. Until recently, it operated England's only wind turbine manufacturing facility, in my constituency. It was one of only two in Britain—the other was a small Scottish Government-funded operation.

Following announcements that Vestas was to shut its Newport operation, several meetings were held. The Minister for the South East, the hon. Member for Chatham and Aylesford (Jonathan Shaw), visited my constituency when he was looking into the matter and ensured that help was given to people seeking new employment. I thank him for his time.

I attended a private meeting with a delegation from the Isle of Wight TUC and others from the island, including the Labour prospective parliamentary candidate, Mark Chiverton. A public meeting was held and it attracted a wide audience from across the island and several people from the mainland. Needless to say, Vestas employees and my constituents generally were dismayed at the company's decision. Vestas announced record profits on the same day that it broke the news that it was closing its facility with the loss of 600 jobs. Vestas is not cutting jobs because of the recession or because of a need to downsize; it has decided that it will be more profitable to manufacture wind turbines in the United States and China, without a thought for the highly skilled workers that it leaves behind.

When it originally came to the island nine years ago it received a £3.5 million Government subsidy, which contributed to the costs it incurred moving from the mainland. Less than a decade later it is leaving, despite that sizable taxpayer-funded financial support. That is why, when public money supports private companies, it is important for it to be directed to companies and businesses that are firmly rooted in the local economy.

Since writing to Lord Mandelson on the matter, I have received no reply. I find it disappointing that he could not find time to speak to me about this important issue, especially when I see him on television daily. However, I believe in giving credit where it is due. I thank the Ministers whom I mentioned for their efforts to convince Vestas to remain open on the island. I understand that all avenues were investigated—even subsidies were offered—but with no success. Subsidies, it seems, were not what Vestas was after.

Only last week Lord Mandelson was congratulating himself on the launch of the new low carbon industrial strategy. I hope that he considers Vestas to be a serious loss to the future of our low-carbon economy. Government plans state that around 7,000 wind turbines are to be installed across Britain in the coming years. It seems unfortunate that such green technology will have to be manufactured overseas and shipped here.

The loss of those 600 jobs has been a body blow to the island's economy, especially during the recession. Since Monday evening, protesters against the closure of Vestas have been occupying the site. I understand their frustration and I am sympathetic to their concerns. Not only is Vestas leaving the workers high and dry, it is doing so with very poor redundancy packages. Those who have worked at the site for two years or more are entitled to only twice the statutory pay. Those who have worked for less time will receive less still. As I understand it, there were no negotiations with workers on the redundancy packages. I find that totally unacceptable, and it reflects very poorly on a company as profitable as Vestas.

The South East England Development Agency has arranged a series of open days for Vestas staff to help them to find suitable jobs. They are a highly skilled and capable work force and I am confident that they will find work in the near future.

On another matter, I must ask why the Minister for Higher Education and Intellectual Property has failed to produce a full response to a letter from a constituent of mine concerning the Student Loans Company dated 22 April. In late June, via a parliamentary question, I asked when the Department for Business, Innovation and Skills planned to provide a substantive reply to my constituent's letters. Here we are in late July, and I still await a proper response to my letter. I received a brief reply on 5 July but it was in no way satisfactory. The matter is particularly pressing for the constituents concerned, and they cannot afford to wait any longer. I hope for a full response from the Minister as quickly as possible. The delay is unacceptable.

Finally—although I had planned to speak for much longer—I can tell the House that we are getting on with the Department for Environment, Food and Rural Affairs and its Ministers, and we hope that we will be able to deal with the problem of fallen stock on the island fairly shortly.

I wish you, Madam Deputy Speaker, and all right hon. and hon. Members a happy and productive holiday—although in my opinion it is too long.

6.50 pm

Mr. Frank Field (Birkenhead) (Lab): I shall touch on a topic mentioned by my hon. Friend the Member for Pendle (Mr. Prentice). He said that he would not speak for seven minutes, and I promise the House that I shall not speak for as long as that.

I want to lay before the House the difficulties I have experienced in pursuing an alleged case of fraud against the NHS. In September 2007 allegations were made to me that a local doctor was passing off his private patients as NHS patients in one of our local hospitals—Arrowe Park, part of Wirral hospital trust. I wrote to the trust to ask for a meeting, which was held in November 2007, when I requested the information held by the trust about its investigation of the fraud. I suggested simple steps that the trust might take to find out whether the fraud was more widespread and involved other doctors. Both my request and my suggestion were refused.

In January 2008, under the Freedom of Information of Act 2000, I asked the trust for information about the inquiries that it said it had undertaken. After some delay, the trust refused to give the information. In July 2008 I applied to the Information Commissioner for a ruling that I should have access to the trust's surveys of that case of alleged fraud. Almost a year later—to reinforce the point made by my hon. Friend the Member for Pendle—the commissioner turned down my request, so I wrote to the Information Tribunal disputing that decision. The tribunal replied that it would of course receive my application, and that of course there could be a hearing, but if I lost the case, all the costs of the inquiry and the tribunal costs would land on my doorstep.

[Mr. Frank Field]

I do not expect the Minister to reply tonight, but I would be grateful if one of her colleagues could look into that matter. Is there not a difference between us as private citizens wanting information under the Freedom of Information Act, and Members of Parliament wanting to pursue—as I am in this instance—an alleged case of fraud in which a national health service doctor is passing off his private patients as NHS patients? In terms of the costs, I think there is a real distinction to be made.

I shall pursue the case, although I have no idea what the costs will be. However, I hope that before then the Government will take the decision that people in public positions, such as MPs, who take cases on behalf of the public good, to protect public funds, should be treated differently in terms of costs from the litigious constituents who are to some extent clogging up the freedom of information process.

6.54 pm

Mr. Patrick McLoughlin (West Derbyshire) (Con): I start by reflecting on the fact that in the county council elections this year, the Conservatives took control of Derbyshire county council for the first time in 28 years. I congratulate Andrew Lewer, the county councillor for Ashbourne, on becoming leader of the council. The last time we took control of Derbyshire county council was in 1977, which was followed by the famous election victory of my noble Friend the former Prime Minister, Lady Thatcher. I hope that what we have achieved in Derbyshire is the precursor of an event that may take place in the not too distant future—whenever the next general election is held.

A few moments ago, Madam Deputy Speaker, you read out the names of a number of Bills that had received Royal Assent and had become Acts of Parliament. I want to talk about a Bill that was taken through the House some years ago: the Safeguarding Vulnerable Groups Act 2006.

I have received a letter from the headmaster of Queen Elizabeth's grammar school in Ashbourne—before people draw the conclusion that that is a grammar school, I point out that it is, in fact, an 11-to-18 comprehensive school. The headmaster is concerned about the implications of the Act for hosting foreign students. He wrote a letter to the Secretary of State for Children, Schools and Families, from which I shall quote:

"From November 2010 any family hosting a child under the age of 18 must have one adult, considered to be primarily responsible, registered with the Independent Safeguarding Authority, i.e. a CRB check must be made. Aside from the cost, and we do not know who will pay, I wonder how many people will be willing to undergo this imposition. It is intended to ensure child safety yet there will be adults in every household who will not need to be checked."

Only one adult needs to be checked. The letter continues:

"However the questionable effectiveness of such a scheme is totally undermined by the fact that no similar checks, beyond the informal ones we currently do...have to be undertaken by the host schools with whom we exchange students in France, Germany or the USA. Every Derbyshire Head to whom I have spoken assumes it will be the end of school exchanges."

Surely the Government cannot have intended that to be the case. The Act, like so many others, has unintended consequences.

Much can be gained from foreign exchanges for schools, and I am concerned that the regulations being applied to local authorities and schools will rule out such things. We have several times heard the Secretary of State say that he wants to encourage such exchanges, because he believes they are good for the development of individuals. I believe that too, but unless the Government take some action to change the regulations, they will lead to the ending of all those foreign exchanges. As with so much of the legislation we pass, good arguments were made about the measure, but when we see the reality of its coming into effect we wonder how we ever allowed it.

The Government have treated the victims of Equitable Life disgracefully. The simple fact is that the Government have had the report for some time. Last November, the Prime Minister told us that we would have a statement on Equitable Life before Christmas. The statement came after Christmas and, as ever with the Government, time after time there have been delays. A lot of people are suffering great hardship because the Government did not move faster to deal with the problems. People who have done the right thing and invested for their future have been let down by the failure of the regulator. The victims of Equitable Life deserved to be looked after more quickly than the Government have pursued the matter.

My constituency has a huge rural area and we are suffering badly from bovine TB. The Government should pay much more attention to the subject. They have hung on for far too long; as the disease has spread through cattle it has cost the state more than £600 million. In West Derbyshire we have a specific problem with bovine TB. We have waited for reports, but the Government now have a huge number of them, and they need to take action urgently.

Time is short, so I have raised just three issues that are very important in my constituency. There are many other such issues, but I know that other colleagues want to speak.

6.59 pm

Harry Cohen (Leyton and Wanstead) (Lab): I wish to raise the case of the prisoner, Ronnie Biggs. A fortnight ago the Secretary of State for Justice made a decision on his case. His son, Michael Biggs, invited me to visit him in prison, HMP Norwich. I applied to the governor to visit. I wanted to see if this 80-year-old was a threat to society. His son said that his health was frail, so I wanted to see what sort of condition he was in, and how that related to the Secretary of State's decision. My application to visit was turned down by the governor, which I think is quite exceptional.

I wrote to Ministers and I received a reply from the Justice Secretary, who wrote that the governor, Mr. Paul Baker, thought that

"such a visit would cause significant disruption to the hospital on top of the disruption which the hospital has already experienced."

I was surprised at that. I still think it was the wrong decision, but the Secretary of State went on to say:

"That said, I also think it is reasonable to ask him to facilitate such a visit in the future".

I hope that that will take place, but it was wrong, in my opinion, to deny me a visit in such circumstances.

The real issue is the Secretary of State's decision to overturn the Parole Board's recommendation that Mr. Biggs be released. That was an unreasonable and cruel decision, and there is some evidence that has been put forward by some lawyers that it was a misuse of power and, indeed, ultra vires. Clearly, Mr. Biggs had to spend his time in prison, but his 30-year sentence was excessive. I looked up the Dome diamond robbers, who I think are pretty comparable to those who took part in the great train robbery. Two of them got 18 years, two got 15 years and one got five years. Mr. Biggs would have been released if he had received such a sentence. His sentence was excessive in the first place. It is more comparable to the sentences passed on serious sex offenders and mass murderers, and was inappropriate.

Mr. Biggs has now served 10 years after surrendering in 2001. He was eligible for parole and was recommended for parole. The reason given for not granting him that was that he was not repentant. I have a letter from Mr. Chris Pickard, who was the ghost writer behind Ron's autobiography, "Odd Man Out". He states:

"I do, therefore, have to question who is advising and briefing Mr. Straw as most of what he has said about Ron in his ruling is simply factually wrong."

Mr. Pickard continues:

"To say Ron is unrepentant goes against all the interviews Ron has given on the subject over the years and what he wrote in his autobiography in 1994. Ron has always abhorred violence and has not committed a crime since escaping from HMP Wandsworth back in 1965, other than entering a number of countries on a false passport. Why after over 44 years would Ron, who may never now walk again, return to a life of crime and how would he pull it off in his current state of health?"

To say that Mr. Biggs is unrepentant is plain wrong, and to say that he could benefit from crime is ludicrous. This is an ill man, who can hardly walk; I shall say a little about his ill health. He is not going on a speaking tour. He cannot earn from his crime—that would be against the law. It is the media who are imposing themselves on him, not Ron imposing himself on them, and that will happen anyway when he is released, unless he dies in prison, as some officials in the Home Office seem to want. That is unreasonable.

There is some dubiety—I think some craziness—about the legal powers being exercised by the Justice Secretary, using a law that has been repealed and another that was overruled by the Law Lords in 2002. There is massive inconsistency. The Secretary of State will not intervene in cases of murderers who have received life sentences, but he says that he can in cases involving lower offences, such as that of Mr. Biggs. He says that he cannot intervene on future cases, because the law has been changed, but he can on past cases. That is wholly inconsistent.

A case is being made by Mr. Biggs's son, Michael, that there was some political element to the decision. The day before, the Secretary of State made a decision in relation to Michael Shields, the Liverpool man who is in prison in Bulgaria. He decided not to let him go, which I think was the wrong decision, but once he had made that decision, he had to make a similar decision in respect of Ronnie Biggs. Both were unreasonable decisions, and the motivation in the Ronnie Biggs case was unreasonable.

In reply to a point made by my hon. Friend the Member for Vauxhall (Kate Hoey) on the matter, the Leader of the House said that the Justice Secretary had made his decision to keep Ronnie Biggs in prison in the public interest. What public interest is there in keeping a frail 80-year-old man, who has served 10 years, in prison? It is a cruel penal policy, which many organisations for the elderly and the Prison Reform Trust say it is wrong to inflict on the increasing number of people in their 70s and 80s in prison, despite the fact that the severity of the crimes involved has not increased. Why do we have such elderly people in prison, when they should be outside?

My last point concerns Mr. Biggs' ill health. He has suffered three strokes, cannot walk, cannot talk, cannot go to the toilet without a bag, has a nasal gastric feed, has broken his hip and his pelvis, has injured his spine, has acute pneumonia and is currently in Norwich general hospital. This is a man who is a threat to society, according to the Secretary of State for Justice. That is ridiculous. The decision should be reconsidered. It is not in the public interest to have an inhumane penal policy. We should have a humane policy, so I ask that it be reconsidered.

7.6 pm

Mr. Christopher Chope (Christchurch) (Con): It is a pleasure to follow the hon. Member for Leyton and Wanstead (Harry Cohen). I hope he will forgive me for not following his line, as I intend to begin by speaking about a group of people whom I regard as more deserving of our sympathy and support—the victims of the Equitable Life debacle. Today's statement by the Chief Secretary was extremely disappointing. It continues a saga that has gone on for almost 10 years, whereby the Government have delayed and ducked and weaved in order to try and avoid their responsibilities in relation to the victims of Equitable Life.

Today, in response to the challenge from my right hon. Friend the Member for North-West Hampshire (Sir George Young), who asked why the Government did not table a substantive motion on the subject in order to see whether that gets the support of Parliament, the answer from the Chief Secretary was that that was a matter for the business managers. Will the Deputy Leader of the House, as a business manager on duty tonight, tell the House tonight that as soon as Parliament returns in the autumn, the Government will table a substantive motion on Equitable Life? If she cannot give such an undertaking, will she explain why?

The issue should be one for Parliament, rather than for the Government. After all, we talk about the parliamentary ombudsman. The cynical way in which the Government are responding to the crisis, which seriously affects groups of elderly people in all our constituencies, is contributing to bringing the House into disrepute and making it appear as though we are some way removed from the interests of our constituents. I hope the Minister will address that challenge when she responds.

Another matter which I hope the hon. Lady will address is what is happening to the regional spatial strategy for the south-west. My constituents and others elsewhere in the south-west have been waiting for years for a final determination of the regional spatial strategy. They were told by the Government that that information would be made available at the end of June. I tabled a question to obtain that information which was answered

[Mr. Christopher Chope]

on 16 June. The then Under-Secretary of State for Communities and Local Government, the hon. Member for Portsmouth, North (Sarah McCarthy-Fry), stated:

"We intended to issue the final Regional Spatial Strategy for the South West at the end of June. However, on 20 May, the High Court issued a judgment that the previously issued Regional Spatial Strategy for the East of England had failed to meet certain requirements".

The Minister went on to say that it was impossible for the Government to

"reach a clear view until the written judgment is issued...It is not possible to set a new timetable, until the implications of the judgment have been clarified."—[*Official Report*, 16 June 2009; Vol. 496, c. 208W.]

The latest information was given to my hon. Friend the Member for Weston-super-Mare (John Penrose) in a parliamentary answer on 9 July, in which the Under-Secretary of State for Communities and Local Government, the hon. Member for Dudley, North (Mr. Austin) said:

"On 20 May, the High Court gave an oral judgment about the published Regional Strategy for the East of England...The Department and the Government Office for the south-west are currently considering the potential implications for the Regional Spatial Strategy for the south-west, and an announcement is expected shortly."—[*Official Report*, 9 July 2009; Vol. 495, c. 960W.]

Given its meaning in common parlance, I would expect "shortly" to refer to a date before 21 July.

I should like to ask the Deputy Leader of the House two questions. First, when will we get the Government's response to the regional spatial strategy for the south-west? Secondly, will she guarantee that that response will not be issued during the parliamentary recess, making it impossible to hold the Government to account? I am sure that she can make a statement to confirm that, because the Government have not been able to do anything about this during the parliamentary Session until this stage in July, so they should not make an announcement when the House is not sitting. It is relevant that the South-West Regional Grand Committee is meeting in Exeter in 3 September, and it would be a pity if information on that regional spatial strategy was bounced on the Committee just before that date. I hope that the Deputy Leader of the House can give me a specific response.

Finally, I want to flag up the important inquiry that the Procedure Committee has launched into the way in which we appoint the Speaker and the Deputy Speakers. I hope that the news that we are undertaking such an inquiry will ensure that you, Madam Deputy Speaker, and your fellow Deputies have a more enjoyable vacation than might otherwise be possible, as I think that the air has been cleared, and it is obvious that your future is assured for much longer than might have been thought likely after Mr. Speaker's statement on 2 July. I hope that Mr. Speaker himself will give evidence to the Procedure Committee and can comment on the Procedure Committee report from the 2001-02 Session. The Committee determined that

"it is entirely possible that the House might in future choose a Speaker from one party at a time when two of the three sitting Deputy Speakers were also members of that party. In such circumstances it would be unfair to expect a sitting Deputy Speaker to resign merely to re-balance the team."

I think that when Mr. Speaker made his statement on 2 July, he overlooked that point. He overlooked, too, the statement in the Procedure Committee report that the present system is—

Madam Deputy Speaker: Order. It is perhaps not appropriate to continue involving the Speaker in that discussion. I think that the hon. Gentleman has made the point that he wished to make.

Mr. Chope: I have made the point as I wished to, Madam Deputy Speaker, and I hope that as a result of doing so, the air is cleared and that Members will be encouraged to give evidence to the Select Committee.

7.13 pm

Barry Gardiner (Brent, North) (Lab): Year 5 at St. Christopher's school in my constituency of Brent, North is not usually the final year for pupils. However, on 18 May 2009, parents were notified that St. Christopher's would not run a year 6 class from this September. Parents were given two months to plan their children's future before the end of the school year, which is in breach of the contract between parents and Happy Child Ltd, which runs St. Christopher's school—some people may think that is a misnomer in the circumstances. I wrote at that point to Ms Tracey Storey, the managing director of Happy Child, asking her to clarify precisely when Happy Child began to consider that alternative provision for those children might be required, and to explain why absolutely no consultation with parents had taken place before 18 May to discuss their understandable concerns.

I was extremely concerned—and still am—about the impact of Happy Child's decision on other parents and children in the school. Such a decision undermines the confidence of parents whose children are in year 4 and below and who expect their children to continue to be taught at the school until the end of year 6. I asked Ms Tracey Storey to clarify Happy Child's plans for year 6 teaching for the children currently in year 4 and below.

Changing school is a stressful experience at any time, and it is normal for children to take time to settle in and make new friends. Year 6 is a critical year for many of those children, as they sit SATs and other examinations in preparation for their secondary school education. Such a change in the lives of those children can only be detrimental to their educational attainment and their future success. The parents tell me that their children were looking forward to being in the top year of the school and having the chance to be elected to positions of responsibility—being prefects and so on—and they are concerned that their children will miss out on those opportunities if they are removed from St. Christopher's. There are other issues about which the parents are concerned, including the additional cost of having to purchase a new school uniform, which raises the wider issue of compensation.

I therefore asked Ms Tracey Storey to confirm what she and Happy Child would do about issues such as compensation, as well as the fact that the school had failed to give the required notice, as set out in the contractual provisions between it and the parents. She replied that she was not prepared to discuss

"Happy Child's decision to ensure the viability of our business".

There was not one mention of regret or the effect on the children and their lives, or of the breach of contract with the parents. I therefore urge my hon. Friend the Deputy Leader of the House to speak with the appropriate Minister in the Department for Children, Schools and Families. At a time when children are going off on their summer holidays, can we ensure that those children in particular become happy children, not Happy Child's victims?

I want briefly to raise another issue that affects my constituency. Bailiffs are out of control in Brent, and the council is instructing them, even in cases in which it had entered into agreements with my constituents that they could pay their debts by instalment. We are all aware of the effects of the recession, and debt is likely to be on the rise. It is important that public institutions and bodies act appropriately. It is absolutely right that they should agree to make payment by instalment available to debtors who wish to enter into such agreements. Unfortunately, Brent council has not seen fit to do so in the case of Mr. and Mrs. J who, on 29 July 2008, received a council tax vetting form that stated:

"The customer is agreeing to pay for himself and his wife's share, equal to £245.60 of £739.06. The Council will have to make a decision if this is acceptable. The customer is able to pay by direct debit in 5 payments."

Despite the fact that Brent council failed to write to Mr. and Mrs. J, it instructed bailiffs, who arrived at their house on 9 December, asking for £1,142.91. My constituents had to pawn some jewellery to pay that amount. The bailiffs then contacted them again, stating that they owed a further £764.06, and Mr. J sent a letter to the council offering to pay the amount in five instalments. The council agreed to accept payment by instalments and, I am pleased to say, has now, after investigating the matter, agreed that it was mistaken to instruct the bailiffs.

Unfortunately, the council has not agreed as much in the case of Mr. F, regarding a council tax debt. On 1 July 2009, Equita Bailiffs visited his property to collect a debt of £2,300. The bailiffs did not see Mr. F, but they pressurised his aged and sick mother, who was not the debtor, to go to the bank and withdraw the full amount to pay off her son's debts.

Finally, there is the case of Mrs. T—

Madam Deputy Speaker: Order. I am afraid that the hon. Member's time is up.

7.20 pm

Mr. Michael Moore (Berwickshire, Roxburgh and Selkirk) (LD): The hon. Member for Chorley (Mr. Hoyle) opened the debate this afternoon at breathtaking speed. He did not quite leave himself breathless, but I was impressed by the number of different subjects that he was able to cover in the relatively short time that is available to us today. I have common cause with him about the Government's incredible approach to the future of tax offices, which, in Galashiels and Hawick in my constituency, have been left in complete limbo. Highly skilled and professional staff are unsure about their future. I echo also some of the hon. Gentleman's comments on fuel duty and Equitable Life, which others have repeated in the debate.

I shall return in a minute to manufacturing, one of the hon. Gentleman's main themes, but, first, I should like to pick up on the comments from the hon. Member for Rochford and Southend, East (James Duddridge), who made some criticisms of local hospitals in his constituency. I appreciate that his comments were very specific and about circumstances that are unknown to me, but for my part I put on the record a great tribute to the consultants, midwives, nurses and others in the Borders general hospital, where—I hope the House will allow me the indulgence—my daughter, Ella, was born eight weeks ago. [Hon. Members: "Hear, hear!"] I thank hon. Ladies and Gentlemen for their reaction to that fact.

I was really taken by the professionalism and dedication of the hospital's staff. I was obviously focused on my experience and the health of my wife, Alison, and daughter, Ella, but I also saw at close hand over many days the dedication of those staff and their need and ability to switch between so many different, pressing cases all the time. It was the best insight that I have had into the national health service in all the years that I have been a Member. We can never praise sufficiently those who serve in the health service.

The personal is important to us in our work as Members, and I should like to turn to another encounter. In Hawick in my constituency on Saturday, I joined many others from the town to celebrate the gathering there of the clan Turnbull, a very proud and historic family in the area. While I stood waiting for the pipe band as it marched along to the unveiling of a new sculpture, however, a lady appeared out of the crowd beside me. She was very angry, perturbed and keen to impress upon me the scale of the problems for members of her family who have lost their jobs in the past year.

My constituency is the centre of the UK's cashmere knitting industry. The people of Hawick, Galashiels, Selkirk, Innerleithen, which I used to represent, and other areas all contribute to a world-class industry, but in the past year the unemployment statistics, which have doubled in my part of the world, have been largely changed by the terrible experience of many in that sector. They have been losing those jobs, and that lady was very intent—I assure the House that she made her point—on getting across to me the human suffering of her children, her grandchildren, their friends and others in the town who have lost their jobs in recent months, and of those who fear greatly for the future of their jobs.

Indeed, I fear that unless we see urgent action from the Government now to tackle not only the general problems of manufacturing but the specifics of textiles, we will see many more job losses. Last week, I met the Under-Secretary of State for Business, Innovation and Skills, the hon. Member for Wrexham (Ian Lucas), who has responsibility for manufacturing. Alongside me was Mr. Ken Pasternak, a gentleman from Denmark who, with some supporters, has invested a considerable portion of his wealth in Peter Scott and Co. in the town. Mr. Pasternak went along not just as a senior industrialist in his own right, but as the leader of the Scottish Cashmere Club, and he therefore spoke on behalf of the whole industry. I have met him and many others countless times, and with his colleagues he has been battering to get attention from the Scottish Government. So far, however, he has been very disappointed at the lack of practical measures offered by the powers-that-be in Edinburgh.

The items on the agenda for the meeting with the Minister last week were very focused. Mr. Pasternak is concerned, and I share his worries, about the export

[Mr. Michael Moore]

credit insurance support arrangements, which have been put before the House and are now being implemented, because they are largely focused on the domestic trading of UK manufacturing. The cashmere sector is a huge export earner and needs support for its exports, but it has not been given any, so I hope that the Minister will re-think that policy.

Mr. Pasternak re-emphasised the point that many right hon. and hon. Members have made in the House countless times—the need for companies to access good banking facilities. Many have growing order books but see their credit shrink before their eyes, and many do not get credit because they cannot get trade export insurance. We now own those banks, which are on the front line when it comes to lending decisions, so I urge the Minister and those in the Treasury to go into those banks, examine the decisions and understand why world-class businesses with good order books may be throttled because of the lack of available cash.

Mr. Pasternak also highlighted the need for product development support, along the lines that the Italians and others on the continent of Europe have offered to their local businesses. He echoed a point that many business men and women in the borders and elsewhere have put to me—the need to focus on skills and skills retention. Many in short-time working could be put into good, productive training if there were the support for it, so I hope that the Government will finally—belatedly—see sense.

Mr. Pasternak said that his industry was in a crisis moment, and I echo that point. I do not want to meet that constituent again and have her tell me that more job losses have affected her family. I want us to put a stop to that, and I urge the Government to take urgent action before it is too late.

7.27 pm

Shona McIsaac (Cleethorpes) (Lab): Thank you very much for calling me to speak in this debate, Madam Deputy Speaker. It is always a delight to take part in such Adjournment debates, and it is excellent to see so many people here tonight joining the regulars.

I wish to raise several constituency issues before the House adjourns. The first is about compensation for former Icelandic water trawlermen. In *Hansard* today, it was announced that an estimated £10 million is being made available further to compensate 1,000 men, or their families, who lost their livelihoods as a direct result of Government action following the cod wars. The scheme will open on 31 July and the first payments should be with people before Christmas. I raised the issue in previous Adjournment debates, and it only goes to show that if we are persistent in raising such subjects, we do get through to the right people eventually.

The second issue—this is the one where I want Ministers to listen—is about business rates in ports. Port-based businesses in my constituency are being asked to pay business rates backdated as far as 2005, following the Valuation Office Agency's revaluation of their businesses. However, the firms say that they have already paid business rates, via a cumulo system, to Associated British Ports. Some companies are being asked to pay literally millions of pounds in backdated rates, and it is threatening jobs in my constituency. Thankfully, the Secretary of State for Communities and Local Government has met MPs who represent port areas and finally his officials are speaking on behalf of port businesses to legal representatives. I hope that at last we will be able to reach a solution to the problem before too many jobs are lost.

My third issue is the east coast main line. As everybody will appreciate, following all the shenanigans that have gone on, the line is likely to be taken into public ownership later this year. That gives me cause for concern because National Express had promised to run a direct rail service between Grimsby and Cleethorpes and London King's Cross. We do not know now whether that will go ahead. It is important for there to be such improved transport links, to maintain the economy and encourage investment in the Grimsby and Cleethorpes area. During a Westminster Hall debate on the matter, a Minister confirmed that services from London King's Cross would be extended to Lincoln. But I want them to go the extra 50 miles or so to the coast, to Grimsby and Cleethorpes, so that our economy can benefit from those direct links.

I turn to the Humber bridge tolls. There was an inquiry into them in March this year. The bridge board wanted to put up the tolls, but local MPs are saying that we do not want that to happen and that the tolls are already far too high. The Minister has received the report from the inquiry. I want to say on behalf of all the business representatives, councils, other MPs and residents that we do not want the tolls to go up. We want Ministers to agree to have a year-long trial of reduced tolls, involving a token charge of about £1 to cross the Humber bridge. That is the decision that we want from Ministers when we come back after the recess.

People would think that free school meals for all primary-aged children in North East Lincolnshire was a good-news story—but, oh no, it is not. Our area was among those selected to bid to be a pilot project for free school meals for all primary-age children. However, the local authority said that it could not find enough match funding to put in a bid to go ahead with the policy. Yet that same local authority—North East Lincolnshire council—invested £7 million of public money in Icelandic banks days before they collapsed. Every inquiry into the council's activities has criticised it, and there has been a vote of no confidence in its Liberal Democrat leader. Yet he continues to wend his merry way, saying that he is not resigning, that it had nothing to do with him anyway and that it was all the officers' fault.

What strikes me as odd about the situation is that a Liberal Democrat-Conservative coalition used to run the council. But the Conservatives are doing what I call "a bit of a Dallas"—they have forgotten the past five years, when they were in coalition with the Lib Dems and all these things were going on, and they are saying, "That's nothing to do with us either, guv." Frankly, they were all in the cabinet together and lost £7 million of public money. That has affected investment projects in our area, and it is shocking.

Finally, I turn to early-day motion 1829. It was tabled by my hon. Friend the Member for Bolton, North-East (Mr. Crausby), and my hon. Friend for Chorley (Mr. Hoyle) was one of those who supported it. I encourage people to look at the early-day motion, which is about protecting our war memorial heritage and making sure that the

architecture and memorials are not threatened by development and that we preserve them for the future of this country.

I wish everybody a most wonderful break. If people want to visit the British seaside, they should know that Cleethorpes has the most wonderful beach and the best fish and chips in Britain. Please come to Cleethorpes, which is wonderful. I hope that everyone enjoys their holidays.

7.34 pm

Mark Pritchard (The Wrekin) (Con): I commence by paying tribute to our brave armed forces, who, while we sit in comfort, safety and security, are in the fields of Afghanistan defending our freedoms and ensuring that that nation does not return to being a failed state in which the Taliban can regroup and from which they could re-emerge on the streets of Europe, including this country. It is sad that today we have again lost one of our servicemen, from the joint service explosive ordnance disposal units. Our thoughts and prayers go to that man's family, and we salute his courage.

When we send our forces into harm's way, it is incumbent on us all to think carefully about whether we should do so in a way that raises questions about the kit and equipment with which they are sent into battle. In the past few weeks, there has been a debate about helicopters; it may now have moved off the immediate front pages, but it is a fact that our armed forces need more helicopters. It is also a fact that our NATO allies are not providing the support that they could. I hope that more nations will look at their own helicopter support for allies on the ground, and for British troops in particular.

However, the issue is about not only helicopters, but armoured vehicles. Although some of our armed forces prefer to use Snatch Land Rovers, weapons-mounted installation kit Land Rovers or other forms of lightly armoured vehicle, there is no doubt that there is a call for more heavily armoured, albeit mobile, vehicles as well. I hope that the Minister will give some assurance this evening that those issues are being taken seriously.

Of course, there is also a need for more troops on the ground. If we win the space, we need to hold the space; if we do not hold the space, those who have lost their lives in winning the space might have died in vain. None of us would want that. The families of those who have died would certainly want the victories won on the ground to be sustained. They would want the space in which we have won victories to be enlarged.

I also hope that the nations surrounding Afghanistan will do all they can to ensure that there is no increased threat to our personnel. For example, there have been reports that Chinese nationals have been found in Afghanistan. The Chinese Government need to ensure that the border with Afghanistan is secure and that any fundamentalist seeking to cross it is intercepted and dealt with appropriately.

Furthermore, this Government have the responsibility to ensure that any British nationals found to be shooting and targeting our armed forces personnel in Afghanistan are dealt with appropriately. If, for example, DNA profiles from improvised explosive devices or bomb fragments match known DNA profiles on the British database, it is only right that the Government should give an account of what action, if any, is taken to bring the relevant British subjects before the courts.

In the brief time that I have, I should also like to pay tribute to General Sir Richard Dannatt, the Chief of the General Staff. He has dedicated most of his adult life to serving this country and Her Majesty's armed forces. It is regrettable that some Ministers have been briefing against him; that does not assist our armed forces on the ground and it does nothing to help morale. The Prime Minister promised that such briefings from other people should be dealt with severely. I hope that if Ministers are caught briefing against any senior members of the military, they will be disciplined accordingly. Our armed forces on the ground want a Government and a senior military, yes, to engage in discussion, and yes, perhaps occasionally to disagree, but they certainly do not want Ministers briefing against the head of the Army while we are at war.

Finally, I should like to touch on the defence training review—the largest private finance initiative in British history. It was originally costed at £12 billion; within the past 12 months, the cost has risen to £13 billion. As I have said previously in the House, this is a privatisation too far. I am not against privatisation of some elements of support services for the military, but it needs to be judged on a case-by-case basis. It is clear that RAF St. Athan in Wales is not in a position to deliver the type of training that is currently delivered on other sites—for example, at RAF Cosford in my constituency. It is no good the Government driving ahead with this project, the cost of which is increasing week by week, with £100 million in direct and indirect subsidy even within the past nine months. Ministers need to look again at this project to ensure that they do not endanger Her Majesty's armed forces' training for the future, particularly given that we are in a time of war.

I should like to thank you, Madam Deputy Speaker, for your patience with me and support for me over the past few months. I wish you a happy recess.

7.41 pm

Ms Sally Keeble (Northampton, North) (Lab): May I associate myself with the tribute that the hon. Member for The Wrekin (Mark Pritchard) paid to our armed forces? Having spent a year with the armed forces parliamentary scheme, including a trip to Afghanistan, I was massively impressed by our young people in the armed forces here, and that was exceeded only by seeing them in action in Afghanistan, where the work that they are doing is in our national interest. All the lives that have sadly been lost there will have served to make the world a freer and a better place. I agree with the hon. Gentleman that we must ensure that those enormously brave young people are properly equipped and that there are enough of them to do the very important job that they have been given.

I wish to talk about a planning issue that particularly affects my constituency. By the time we come back after the recess, the consultation will have been completed and decisions will have been taken, and plans that will shape my constituency, and those of my neighbours, for many years to come will practically be at the point of going off to the regional office. West Northamptonshire joint planning unit is drawing up proposals for many thousands of new houses and industrial units for Northampton, and it proposes to turn the town into a city. I have spoken to my neighbour, the hon. Member for Northampton, South (Mr. Binley) about this, because

[Ms Sally Keeble]

a number of the plans affect his constituency as much as, if not more than mine. We are both extremely concerned not only about the proposals but about how they are being dealt with.

I want to raise three concerns and ask three questions of my hon. Friend the Minister. First, the number of proposed units should be reviewed. The requirements need to be reviewed in the light of the recession and the fact that several sites already zoned for development have not been developed, while a large number of industrial and commercial sites in the town are empty. Secondly, infrastructure should be provided before new units are put in place, particularly schools, hospitals—we very much need a new hospital—and transport services. That subject was raised at a packed and lively meeting in my constituency.

Thirdly, and most importantly, there should be proper consultation about the proposals. Usually, when a policy proposal is discussed, we are used to having three months' consultation. Arguably, a major emerging plan will affect individual people much more than a general policy proposal, and yet there is to be only six weeks' consultation. That would be bad enough, but the six-week period starts on 28 July. Most people would understand that residents' associations, parish councils and all the other local groups that need to have meetings to consider these plans do not meet during August, and one cannot rely on their meeting in the first week of September. If the planning unit holds local meetings and asks people to go to them, many will be unable to do so because they are on holiday or tied up with children on school holidays.

Although it is said that this an emerging plan that sets out only broad principles, many of the broad-brush proposals for where the developments should be sited are based on actual plans that property owners have put forward, and are therefore about more than broad principles. If the land allocations are agreed, fairly well-worked-up plans could come forward fairly quickly and people could see things change equally quickly. We are being told that the time limit for the consultation—apparently six weeks is okay legally—has been set on the basis that the plans have to get to the regional office by November. Unfortunately the planning unit, which has not been particularly competent in going about its work, has missed a number of deadlines and is now up against the buffers. It is completely wrong that people who will have to live with the consequences of this development should pay the price for the fact that the organisation producing the plans has not been able to get itself organised to produce them in time to have proper consultations.

Will my hon. Friend the Minister relay to her colleagues in the Department for Communities and Local Government queries about revisiting some of the development proposals, numbers, and regional and local strategies in the light of the impact of the recession? Can we have some genuine assurances about the provision of infrastructure before any development takes place? Most importantly, will serious attention be given to the consultation so that local people have a chance to put their views, well before the decisions are taken, on developments that will affect them? The Liberal Democrats are driving the timetable on this, which is shocking. We should not come back from our holidays to find that my constituents, and those of my neighbours, have lost their right to control or have a say in the use of the land around them, and that the plans are on the brink of going off to the regional office for final approval.

I wish you, Madam Deputy Speaker, and everybody else in the House a very happy holiday.

7.48 pm

Mr. David Amess (Southend, West) (Con): I wish to raise several points before the House adjourns for the summer recess.

Nicky Avery, 27, became the youngest man ever to be diagnosed with breast cancer in 2006. His mother is a constituent of mine, and I very much hope that the Government will raise awareness of this disease among young men.

The Proprietary Association of Great Britain has advised me that the top 10 minor ailments account for 75 per cent. of consultations. I agree with that organisation's view that we need to have increasing responsibility for taking care of our own health by treating minor ailments in the knowledge that the NHS is really there for more life-threatening and serious conditions.

I have in my constituency the greatest number of centenarians in the country. I hope that this autumn we will again be successful with the "Guinness Book of Records" attempt at the greatest gathering. Many of these elderly people are in care homes, which are dependent on residential fees. Have the Government taken into account the fact that many elderly widows, for instance, are unable to sell their homes because of the recession?

Last week, I was privileged to attend Belfairs high school's prize giving. There was a young lady there called Jo-Jo Cranfield. She was born with her left lower arm missing and she is a remarkable athlete. She missed out on going to Beijing by 0.06 seconds and she is the second fastest swimmer in her discipline in the country. She has a place at Millfield school, but she desperately needs funding, so I greatly hope that someone, somewhere will come up with assistance for her—not least the Government, who say that they will do everything they can to support gifted and talented athletes.

An organisation called PERA has advised me that numerous companies in south Essex, including Ford in Dagenham, have been preparing to deliver training to 1,700 people—more than 100 are in Southend, West—only for the Learning and Skills Council's financial collapse to bring a halt to the programme. I hope that the Government will intervene on the matter.

I draw the House's attention to an article, which appeared in *The Times* on 6 July, about chief constables' salaries. Senior police officers apparently receive off-book payments and secret perks, which total hundreds of thousands of pounds. The House has come under great scrutiny, and I welcome the fact that all sorts of other publicly funded bodies are coming under scrutiny. Our local chief constable in Essex was paid slightly more than the Prime Minister. Yet again, we have a chief constable taking early retirement in Essex. We have had several senior officers; it is like a merry-go-round—one minute, one person is in place, the next, someone else is there. If police authorities are to be worth their salt,

there should be much greater scrutiny. The Independent Police Complaints Commission should also be given more teeth.

It is a shocking state of affairs when police constables come to MPs' surgeries, complaining about their treatment by the police authorities. That illustrates their powerlessness. Mrs. Katie Greatorex—she said I could name her—has suffered the most appalling harassment, including death threats. She has been arrested and bailed without evidence and she came to my surgery with a long-serving police officer. Her ex-husband is a serving police constable. A proper investigation has not taken place, despite forensic evidence, so I hope that the Deputy Leader of the House will pass that on to the Home Secretary.

Seat belts were once debated at great length in the House, and many hon. Members were against their being compulsory—they were mistaken. The fine for non-compliance used to be £30. I have tabled several questions about that and I shall take credit for the fine's increase to £60. I also support the fitting of seat belt reminders on all new cars.

A disgraceful incident took place recently, whereby a community nurse parked her vehicle in a development at the end of Hamlet Court road because she was treating a terminally patient—incidentally, the patient died—and was charged £483 by LBS Enforcement Ltd for her car's release. I am currently achieving nothing with that.

I heard the comments of my hon. Friend the Member for Rochford and Southend, East (James Duddridge) about Southend airport. It is a difficult issue and I am glad that the owners of the new airport are meeting local community representatives. They must convince them that any increase in flights must mean quieter flights than at present and that the road changes will take place without disruption.

I was recently made chairman of the all-party group on the Maldives. The high commissioner said that no funding has been received from the Department for International Development and that she cannot get a meeting with the relevant Minister. I hope that the Deputy Leader of the House can pass on the message.

There has been controversy about slow answers to questions. I received an answer from a Treasury Minister, dated 1 July 2009, responding to a constituent's inquiry on 30 September 2008. An apology is not sufficient.

The House is in a state of drift, there is confusion about swine flu and we have heard about difficulties in Afghanistan. The sooner we have a general election, the better. Before then, I wish all my colleagues and all those who serve the House a very happy summer.

7.54 pm

Mr. Andy Slaughter (Ealing, Acton and Shepherd's Bush) (Lab): I wish to speak about a despicable act of vandalism perpetrated on the homes and lives of thousands of my constituents. Some 3,500 families, the majority in Shepherd's Bush and some in Hammersmith and West Kensington, face demolition of their homes and uncertain futures.

Let me be clear from the outset: we are talking about good quality homes, built to a high standard, modernised at the cost of tens of millions of pounds in the past few years, thanks to the Decent Homes programmes, in neighbourhoods in which people are proud to live. They are on the White City, Batman close and Wood Lane estates in Shepherd's Bush; on Ashcroft square and Queen Caroline estate in Hammersmith, and on the West Kensington and Gibbs Green estates in west Kensington. The last two are outside my current constituency, though in my prospective constituency. I have had the honour of representing the area for 20 years on the council and they are all areas that I know well. The homes are designated "not decent" by Hammersmith and Fulham council, which has, in the most disparaging terms, condemned not only the buildings and the areas but the residents. It is the nastiest piece of social apartheid in this country for many years.

A year or so ago, rumours, which were hard to credit at the time, began to circulate that the relatively newly elected Tory council in Hammersmith and Fulham planned to pull down the seven estates. Freedom of information requests were dodged and answers to questions were evaded—there was nothing in writing at the time. Plans were held up because of the continued presence of Ken Livingstone as Mayor of London, but when Boris Johnson was elected last year, the council moved swiftly ahead, first by dropping all plans for new affordable housing, by accelerating small-scale demolitions, by designated sales and by handing back hundreds of affordable homes to developers, saying that they were unwanted.

However, last month, as a consequence of a document called the local development framework core options strategy, the seven estates were named as requiring complete redevelopment and demolition, even though some will have Decent Homes work done, at a cost of millions of pounds, next year. The plans are to replace them with luxury housing and commercial developments such as conference centres. That has already been extensively reported in the *Evening Standard* and I am grateful to it for featuring the story as a double-page spread the week before last, to the *Daily Mirror*, which did an excellent editorial on the subject, and to *The Guardian* and other newspapers.

The leaseholders and freeholders will get a price, which will not enable them to buy equivalent accommodation in the area, and they will have to move considerably further out. The tenants have an uncertain future. At least a third fewer units of housing will replace existing affordable housing. The replacement affordable housing will be registered social landlord housing: typically, it will be half the size, more expensive to run, and the rents will be 50 per cent. more. For many tenants, the only option will be to move out of the borough—Barking, Dagenham and Thamesmead have been mentioned as destinations for them. Many are elderly people, who have lived on the estates since the 1950s, 1960s and 1970s when they were built. The greatest irony is that those estates are already mixed communities. Half the flats on many estates are leasehold—they contain many professional people and many people in employment on average wages or above.

The side effects will be on the local waiting lists. For 20 years of the redevelopment strategy, nobody will move on any other estate or RSL property in the borough. In the meantime, as the estates are developed—it has happened elsewhere—there will be complete neglect. Flats will be boarded up, there will be temporary housing and infestations, and only health and safety repairs will

[Mr. Andy Slaughter]

be done. All that was confirmed to me by not only the published document but by the assistant director, Lyn Garner, whom I saw for an hour and a half the week before last. She admitted to me for the first time face to face that all those things would happen.

I have given notice to the hon. Member for Hammersmith and Fulham (Mr. Hands) that I would refer to him. He represents four of the estates. He needs at some point to correct the record because earlier this month, he said that the plans

"'to demolish the estates and force everyone to move'"

are

"wholly untrue."—[*Official Report*, 29 June 2009; Vol. 495, c. 42.]

His own council—his colleagues—has published the fact that that is true, so it is wrong that those remarks should remain on the record in that form.

However, that is not the end of the matter; it is the beginning. We are not talking about just an attack or gerrymandering that goes far beyond anything that Shirley Porter tried in her time. We are talking about something that was designed by the leader of Hammersmith council, who is the head of the Tories' local government innovation unit, as a blueprint for the rest of the country. How do we know that? We know it because he published a document earlier this year called "Principles for Social Housing Reform". We also know it because, at the council's expense, he held a round-table discussion with Tory Front Benchers, other senior Tory politicians and, shamefully, local government officers on 3 March that agreed to the most extraordinary blueprint for the future. Market rents for all housing; no security of tenure; no right to buy; no duty to house the homeless; no capital investment at all in social housing—is this really the future for housing under a Tory Government?

I believe that what happened was unlawful—the involvement of local government officers, the employment of Tory activists to carry out the work and the funding of Tory think-tanks by a local authority—and a complaint is being made to the district auditor. More importantly in the long run, however, we are talking about the destruction of communities for political advantage and in the interests of warped social engineering of a kind I had hoped I would never see a mainstream party in this country support. It is now up to the Tory Front Benchers to dissociate themselves entirely from what is being done in Hammersmith and Fulham. If it really is a right-wing fringe taking such action, let them say so; but if they wish to endorse such appalling attacks on the lives and livelihoods of my constituents, let them say that also.

8.1 pm

Mr. Mark Oaten (Winchester) (LD): I want to raise three issues and will do so as quickly as I can.

The first concerns a children's hospice in my constituency called Naomi House. It does amazing work for children, as I am sure hon. Members know all hospices do, and not just in Hampshire but in a much wider area. Unfortunately, Naomi House was involved in the Icelandic bank affair and has consequently lost £6 million of its funds. As one can imagine, that has had a devastating impact on the organisation, particularly as it was just about to build a new wing—Jack's place—that had been designed specifically for teenagers.

My concern is that the Government have not been as supportive as they should have to a children's hospice. I totally understand their argument that it would have been impossible for them to help all the charities and organisations that have lost money in Icelandic banks. I also understand that the Government have, quite rightly, been supporting compensation schemes for charities that have lost money. Bluntly, however, Naomi House has not been allowed to apply to those compensation schemes because it is regarded as having far too much money—it has lost too much money and cannot make a claim under those schemes.

The Government have also said that they would not bail out charities. In one debate, the Minister concerned said, "Look, how do we decide which charities to support?" For example, a lot of people say that the Government should support the Cats Protection league, given the money that it has lost. In my judgment, a children's hospice should be regarded as being in a different category from a cat lovers' charity. The argument is compelling, and it is this. Charities that do the work of the Government should be seen in a different light. By many people's benchmark, hospices provide the kind of service that should be funded by Government money in the first place. In fact, Naomi House takes £300,000 of Government money, so the Government recognise that they should be supporting it.

I ask the Minister to take the issue back to the Department of Health and to think carefully about the consequences of not supporting the hospice. Taking £6 million out of that service will mean an enormous demand from sick children will have to be met in the NHS, because Naomi House may not be able to fulfil its responsibilities. Surely it makes sense to support a children's hospice in some way. After all, it was not Naomi House's fault that it lost money in the Icelandic bank concerned.

The second issue that I want briefly to raise is the problem of so-called bogus universities. I understand that there have been grave concerns about the number of false universities being set up and the difficulties that they have caused with individuals coming to this country. However, one of the consequences of the Government's new scheme to crack down on bogus universities has been the number of student visas that can be issued under the new tier 4 proposals. I declare an interest: I lecture at Wroxton college, which has a number of American students.

Students who come to this country are worth around £6 billion a year to the economy. We do education well in this country, and many people want to come over to participate in it. However, the consequence of the new changes to try to crack down on the number of bogus university places has been to hit that industry to such an extent that applications from individuals who want to study in our universities and colleges are falling dramatically. Students are having their applications for places turned down because of the new regime. Indeed, I tabled a parliamentary question about that and discovered that of the applications from students received so far this year from India, 49 per cent. have been rejected. We are not seriously saying that almost half the applications from students from India are connected with terrorism, are we? The figure for American students is 21.3 per cent. Just over one fifth of American students who want to come to this country have had their visas refused under the new scheme.

I understand the need to address bogus universities and tighten up the system. There have been problems, but those that we have created by putting in place the new scheme are having a very detrimental effect on an important industry in this country. The figures speak volumes. Under the new regime, we are in danger of turning away a lot of good students whom we would want to come here and study.

The final issue that I wish to raise concerns the new guidelines on helping individuals with mild or moderate depression. Depression affects many people in this country, and it is welcome that we have at last recognised that we need to tackle it. However, to date, doctors have had little power to refer individuals to counselling, psychotherapy or cognitive behavioural therapy, all of which are now recognised by the Government as useful tools.

As we face the economic downturn, there is strong evidence that more people will suffer from mental health problems and depression as a result of what is taking place in the economy. The problem is that the National Institute for Health and Clinical Excellence guidelines have made a judgment about which kind of support should be available for mental health problems. Again, I declare an interest, in that I am on the board of a mental health provider, Mental Health Matters. My concern is that the Government have narrowly said that the only form of support that should be available under the guidelines is cognitive behavioural therapy. Superb and excellent as such treatment is—I declare an interest: I have seen a counsellor at times in my life and have received enormous support by undergoing that process—the professionals argue that making CBT alone available is not good enough.

Individual cases are very different, particularly those involving child abuse which need a much longer form of therapy. CBT teaches individuals how to deal with day-to-day pressure and how to cope with their depression, but it does not necessarily provide the kind of course and time needed to get to the underlying reasons. That needs to be done through professional psychotherapy, but at the moment the NICE guidelines do not allow that to be included. That is a great shame, so I would like to ask the Minister to report back to the Department of Health. If we are serious about tackling mental health issues, we need to allow the professionals the right form of support and not narrow it down to the one that is currently in the NICE guidelines.

8.8 pm

Jeremy Corbyn (Islington, North) (Lab): In the seven minutes allotted to me, I shall briefly raise three issues.

The first concerns further and higher education and the Government's stated wish to have more university places and more young people going to college when they leave school or sixth-form college. I strongly support that, and would like this country to get somewhere up to the European level. I would also like to see much wider access to universities, so that children whose parents did not have the opportunity to go to university, and who perhaps did not do so well in school themselves, have the chance to go into higher education.

My local university is London Metropolitan university, which has a good record on widening access to higher education, a wide variety of courses and high levels of student participation. However, it has got into enormous funding problems because of a disagreement about the method of counting student numbers. As a consequence, the Higher Education Funding Council for England has ordered the university to repay £39.5 million, which will obviously have a seriously devastating effect on its finances.

In addition, the HEFCE has also told the university that its annual funding will be cut, resulting in a loss of about 5,000 student places. As a result of all this, 550 jobs at the university are to go, through redundancy. The voluntary redundancy figures have not been met, so it is not clear what the university will do now. The situation is therefore grim. The university faces the possibility of the loss of more than 500 jobs, the closure of a number of courses and a reduction in student numbers in the long term. It cannot be the Government's intention that so many people should lose the opportunity of going to university or that so many experienced, effective teachers should lose their jobs.

I have raised this matter in an Adjournment debate, in parliamentary questions, in early-day motions and in correspondence with the Secretary of State for Business, Innovation and Skills and with the relevant Ministers of State. They have all referred me back to the Higher Education Funding Council for England. How very convenient! Well, I am sorry, but that is just not acceptable. This House decides the annual Budget. It also holds Ministers to account, and we expect Ministers to intervene in a situation such as this to prevent jobs from being lost and to protect courses and student numbers. I would be grateful if the Deputy Leader of the House could assure me that she will quickly and firmly pass this matter on to the Secretary of State and ask him to look into the situation during the recess and intervene to protect those jobs, courses and student numbers. The future of higher education demands that that be done.

There are two other items that I wish to raise. As the House knows, I represent Islington, North. That includes Finsbury Park station, which is one of the busiest underground stations outside central London. It is a transfer point between Network Rail, the Victoria line and the Piccadilly line. It is a very old and crowded station, and, crucially, it has no disability access whatever. After many years of argument and campaigning, moneys were found by the previous Mayor, Ken Livingstone, for the complete refurbishment of the station, including step-free access throughout. That was welcomed, and we looked forward to the rebuilding of the station so that we could, at last, get ourselves into the 21st century and people who use wheelchairs, people with pushchairs and those who have difficulty in walking could actually get on and off the trains, rather than having to descend a lengthy spiral staircase from the mainline platforms to the underground, which was obviously unsatisfactory and dangerous.

Then the new Mayor came along, re-examined all the funding priorities of the previous Mayor and decided that the step-free access at the station would be postponed—until, I think, 2016. Network Rail, which is responsible for the mainline platforms and the mainline services running above the underground station, has decided that it will go ahead with its bit of step-free access, however. So we now have the ludicrous position in which a lift is being installed to connect the mainline platforms to the street, but not to the underground station underneath it, because that is someone else's responsibility. That is absurd beyond belief.

[Jeremy Corbyn]

I was at a demonstration outside the station last Saturday, at which we were saying, "Boris, give us a lift." That is the very least that he could do in the circumstances. It is unfortunate that the Government's stated aim of having step-free access to public transport so that it can be really and truly accessible for everybody is being frustrated by this ridiculous funding row. Again, I would be grateful if the Deputy Leader of the House could assure me that she will convey to the Secretary of State for Transport my extreme displeasure, as well as that of my constituents and—more importantly—that of the tens of thousands of people who use Finsbury Park station every day. They want an accessible, usable, efficient station; they do not want a lift that goes halfway. That is simply ridiculous. It is up to the political structures to ensure the right outcome.

My final point also concerns transport and the railways. I am pleased that my Friend the Member for Leyton and Wanstead (Harry Cohen) is present today, because we both have the great privilege and honour of representing two of the constituencies through which the famous Barking to Gospel Oak railway line runs. The line was earmarked for closure during the dark days of Mrs. Thatcher. Since then it has been reprieved, but some of us are determined that it should be electrified, so that freight transport running between the east and west coasts could use it, and so that it and the rest of the North London line could operate as one system using the same trains, all powered by electricity. If we electrify the Barking to Gospel Oak line, improve public transport and cut pollution, London will be an even better place than it already is.

8.15 pm

Dr. Julian Lewis (New Forest, East) (Con): I begin by congratulating the hon. Member for Islington, North (Jeremy Corbyn). For the first time in living memory, he has made an entire speech without calling for the abolition of the British strategic nuclear deterrent. I shall try to follow his example and refrain from discussing defence issues in the course of my short contribution. I also pay tribute to the particularly impressive speech made by the hon. Member for Winchester (Mr. Oaten). Naomi House, the children's hospice to which he gave great credit, provides a wonderful service to my constituents as well as to his, and I warmly endorse the plea that he made on its behalf.

In the time available to me tonight, I want to touch on a principle, a policy and a tribute. The principle is that the fluoridation of water should not be carried out without the general consent of the people affected by it. In an unusual, and quite positive, cross-party alliance, the Liberal Democrat councillor, Councillor David Harrison, who represents Totton in my constituency, and I, as the Conservative MP, have been working together to try to involve the ombudsman in exposing the corruption of a flawed consultation process that completely ignored the fact that 72 per cent. of the people who responded to it were against that kind of mass medication.

I will say no more about the specifics of that case, however, because the matter is now subject to judicial review and I do not wish to trespass on that territory. That is why I shall talk only about the principle. The problem was first highlighted in March 2005, when the Water Fluoridation (Consultation) (England) Regulations 2005 were being debated in the upper House. Earl Howe, the shadow Health Minister, drew the House's attention to regulation 5, which was passed into law. It states:

"A Strategic Health Authority shall not proceed with any step regarding fluoridation arrangements that falls within section 89(2) of the Act unless, having regard to the extent of support for the proposal and the cogency of the arguments advanced, the Authority are satisfied that the health arguments in favour of proceeding with the proposal outweigh all arguments against proceeding."

The noble Earl Howe asked what this was supposed to mean, and pointed out:

"When we debated Section 58 of the 2003 Act, the Minster emphasised that:

'no new fluoridation scheme would go ahead without the support of the majority of the local population determined by local consultations conducted by strategic health authorities in England and the National Assembly in Wales'."

Earl Howe emphasised the words "majority of the local population" and went on to observe:

"I see nothing in the order which fulfils that undertaking."—[*Official Report, House of Lords,* 8 March 0005; Vol. 670, c. 709.]

Neither do I. However, even if 72 per cent.—or 100 per cent.—of the people oppose mass fluoridation of a water supply, as long as the strategic health authority can satisfy itself that the health arguments outweigh the opinions of the people affected, their opinions can be ignored. Only the courts and the ombudsman can do something about this; MPs evidently have no influence, and we must await the results of the case to which I have alluded.

I now move on to my policy issue, which is the policy of Associated British Ports. Having been massively defeated after a year-long inquiry in its wish to build a giant container port on Dibden bay in my constituency, it is beginning to return to the subject again. Let me quote what Mr. Doug Morrison, the port director, had to say to my constituents:

"How do we leave a legacy for future generations? The answer has to be Dibden Bay. Just as you thought you were safe to put your toe back in the water, we are back again. And we are never going to go away."

That seems rather reminiscent of the film "Jaws": at the outset people are being gobbled up by a great white shark, but we should remember what happens to the shark at the end of the process.

Finally, I come to my tribute. This is very sad indeed. On 11 September 2001, a brilliant and beautiful young woman, a fashion designer, was due to be at the twin towers. Fortunately, she overslept and missed the catastrophe by minutes. She was in London on 7 July 2005, and although she often used the bus service that was bombed, she did not use it on that day, fortunately. Last November she was working in her boutique in Notting Hill when a psychotic serial robber confronted her with a knife, but she still managed to outwit him. But on 3 July this year, she was in her flat in Camberwell and was one of the six people killed by the fire there.

Her name was Catherine Hickman, and she was known as Cat. Her parents, and her sisters Elizabeth and Sophie, are my constituents. Her parents, Pip and Flo, are putting up with their terrible loss with amazing dignity, as is Mark, her partner of four years. I would like to ask everyone here—those representing all religions

and none—to bear in their thoughts and hold in their prayers the Hickman family, as we remember a talented young lady who, like her family, was and is a credit to our community.

8.22 pm

John McDonnell (Hayes and Harlington) (Lab): It is an honour to follow the hon. Member for New Forest, East (Dr. Lewis), and the whole House will of course send its condolences to the Hickman family.

I want to raise two issues of concern within my constituency that are linked to large-scale planning developments. One is, of course, Heathrow expansion—the threat of the third runway and the sixth terminal, which, as Members will know, threaten the demolition of Sipson village, with 2,000 residents losing their homes, their school, their community centre and the entire village. The third runway also threatens Harmondsworth, Harlington, Cranford Cross and Longford villages, so people living there, too, will lose their homes, either through demolition or because they will have been rendered uninhabitable by air pollution and noise pollution. Those homes are already blighted. The families are unable to sell their properties if they wish to move, and mortgage companies will not lend to any purchasers. As a result, my constituency includes families with children who are trapped—in some instances, in one-bedroom or studio properties—and older people who are unable to sell their properties if they want to retire and live nearer to their families.

BAA introduced a bond scheme, which effectively means that BAA promises to buy the properties affected by Heathrow expansion, but the problems with the bond scheme are the cause of real anxiety. The scheme does not cover all the properties affected by the expansion, and the payment levels, based on valuations of the properties, do not reflect their true value. When people lose their home, there is no compensation within the scheme for the costs of moving or losing their whole community. The bond scheme, furthermore, does not commence until the planning application for Heathrow expansion is actually submitted. That could be years, given the current economic climate and the chaos within BAA and its owner, Grupo Ferrovial. As a result, people are trapped in blight, often in overcrowded and inappropriate accommodation, and unable to plan their lives while this uncertainty hangs over their heads.

BAA promised to bring forward the implementation of the bond scheme within weeks—but that was six months ago. I met its representatives, who argued that the problem lay with the individual airline companies, which had to guarantee the liabilities of the bond scheme. A number of them have refused to sign up, and BAA says it cannot secure their agreement. I asked those representatives whether they wanted the Government to intervene, and they said no. We cannot go on like this. It is damaging the lives of my constituents, so I urge the Government to set a deadline of no more than, say, two months, and if BAA does not adhere to its commitments and promises to my constituents to bring forward the start of the bond scheme, the Government must intervene to force it to do so.

The real solution is, of course, to scrap the third runway proposal once and for all. I do not believe that I know anyone—other than the Prime Minister and the chief executive of BAA—who believes that the third runway proposal will go ahead. It is dead in the water, but what my constituents want are absolute commitments not only that the proposal is dead, but that it will never be revisited. My constituents want some safety and security for their homes, and they want the end of the threat to their communities.

The second largest development in my area is the Southall gasworks site, which involves the largest planning application for housing development in west London—on the site of a large gasworks. There will be 4,000 new properties, shops and a school. It is located in the constituency of my hon. Friend the Member for Ealing, Southall (Mr. Sharma), but it abuts my own constituency. The major road accessing the site will run through my constituency from the Hayes bypass.

The development poses the threat of immense growth in traffic and associated air pollution in an area already designated as an air pollution management reserve. I have become increasingly aware of the potential dangers to my constituents from pollutants on this highly contaminated site. The developer's own report now confirms that the contamination includes oil and tar waste, which forms carcinogenic hydrocarbons, and heavy metals, including lead, arsenic, cyanide and asbestos. The developers intend to excavate and treat those dangerous materials on site, but I am meeting members of the community who are extremely concerned about the risk that those materials will pollute the nearby Yeading brook and enter local water supplies.

I am also extremely anxious about any attempts to transport those highly toxic materials through my constituency. The local Hillingdon council, I have to say, has done virtually nothing to explain the risks from the site development to the local community. The only public meetings on this planning application have been convened either by myself or by Friends of Minet country park, of which I am vice-chair. Not a single meeting open to the general public has been convened by the council to explain the potential risks of the development.

I want to raise my concerns in the House, to draw attention to the risks and to urge the Government to maintain a close watch on that large-scale development and its environmental impact. I ask the Deputy Leader of the House to take the matter back to the relevant Ministers. We in the community are launching a campaign to ensure that my constituents are fully aware of the risks and are fully protected. We will submit our views to Hillingdon and Ealing councils to ensure that the proper inspections take place. Yes, we will urge those local authorities to ensure that conditions are attached to the application that protect my constituents from the increase in traffic and, more importantly, from the threat of pollutants from this contaminated site. If the application is to go ahead, I believe that every condition that could be applied should be applied, to protect the local community and the local environment.

This site is also close to Guru Nanak school, one of the most successful schools in the country, where the Government have invested large sums in the expansion of both the primary and secondary school. I want to ensure that that school and its pupils are fully protected and fully safe. I also want to ensure that Minet country park is protected from the damage that could be incurred as a result of the development. On that basis, I give notice to Hillingdon council and others that my community

[John McDonnell]

will not stand by and allow our environment to be polluted by the development—even if the council is standing by and doing nothing.

8.29 pm

Mr. Colin Breed (South-East Cornwall) (LD): I am pleased to have an opportunity to raise what is an important and urgent issue in my constituency.

The House has often debated, and dealt with questions about, Zimbabwe and the difficulties experienced in that country. Some 12 years ago my local church, Saltash Wesley Methodist church, established a twinning arrangement with a church in Mbare, a suburb of Harare. During the first few years of that arrangement, we enjoyed four annual reciprocal visits. One involved young people from Cornwall going to Zimbabwe to help build water tanks.

That was a long time ago, and over the intervening nine years there have been no opportunities for the visits to continue. However, despite the great difficulty that arose, connections have continued through e-mail and letters between families, and support has been given to the people who are living in such desperate circumstances. In more recent times a number of members of the church have supplied funds for the education of Zimbabwean children, and nearly 100 have benefited. A great deal of moral support has also been provided.

Earlier this year, when there were signs that Zimbabwe might have a real opportunity to emerge from its darker times, the churches decided to try to re-establish the original relationship—or friendship—through reciprocal visits. It was decided that it might be possible to bring a number of leaders from the church in Mbare to Cornwall this year. That involved great difficulties relating not only to the funds that would have to be arranged, but to choosing the people and ensuring that the visit would be successful. It involved planning for the future, and re-establishing relationships that had been somewhat curtailed over the intervening period. However, as a result of all the planning over six or seven months, the money was raised, it was decided who would come, and everyone was looking forward to a visit between 24 September and 7 October this year. The air tickets had to be purchased before the application for visas, but they were subsequently bought. The visas for the eight people who were to come here were applied for in Pretoria, which is now in charge of visa applications for Zimbabwe.

It was a cause of huge disappointment and great regret that only a couple of weeks ago, with only a few weeks left before the visit, all the entry clearance visa applications were refused. We are talking about people who have provided leadership in Zimbabwe: ministers of the church, youth leaders and people who had worked on environmental projects. We are talking about people who had given dedicated service over a long period. They had met all the necessary requirements, and they were, of course, hoping to come to this country to re-establish a relationship that went back more than 12 years.

It seems to me that the entry clearance officer examined all the available information and decided that perhaps these people of honesty and integrity, who had clearly served their communities in an excellent way, were not the sort of people who would come to this country and then willingly leave. He, or she, believed that those people intended to come here, stay here and not return to their home country. That was despite the fact that they would be leaving families and friends, and despite clear evidence from people in this country, including me and, indeed the superintendent minister of the church. We had given details of the programme in which they would be involved and the issues that they would discuss with us. We had also given an absolute assurance that they would not reside here or impose a burden, but would come to re-establish friendships and then return to the country with which we have maintained a twinning arrangement.

I plead with the Deputy Leader of the House to consult the Minister for Borders and Immigration. They must recognise that these issues will continue. If we are to support people in Zimbabwe, we must recognise the opportunities to re-establish relationships and friendships between organisations, churches, families and people. This is a great opportunity to bring eight very good people back into this country so that a relationship between two churches that has lasted for more than 12 years can be re-established, and so that—hopefully—a group of people from my church in Saltash will be able to visit them in Zimbabwe next year.

The twinning arrangement has been mutually beneficial. It is not a one-way exercise: great benefit has been gained from an arrangement that has been undergone through such difficult circumstances. However, after those people had done all that they could, after all their funding had been arranged, their tickets purchased and their accommodation fixed, they were told "You cannot come here, because we think that you are coming purely in order to stay here." That is an insult to them, and it is a disaster in terms of this country's relationship with Zimbabwe.

I very much hope that the Government will intervene. I hope that they will recognise that visits and relationships of this kind are worthy of support, and that those people will be able to come to Cornwall, enjoy their stay, and return to their country reinvigorated.

8.36 pm

Mr. David Drew (Stroud) (Lab/Co-op): I am delighted to be able to contribute to the debate. I wish to raise three substantive issues, but I shall begin by displaying the same level of indignation as my hon. Friend the Member for Chorley (Mr. Hoyle).

I was promised a Jobcentre Plus facility in Dursley, in the south of my constituency, some six months ago. The jobcentre there had closed a couple of years ago. I had no angle on that, because there were reasons for the closure, but there was a need to open another centre, and the fact that that failed to happen is an indication of the Government's failure to address rural issues. I hope that my hon. Friend the Deputy Leader of the House will convey my indignation to the Department for Work and Pensions, because there is an urgent need for the Department to act.

The first substantive issue that I shall raise relates to something very sad that happened last week. A certain Mr. Nick Griffin arrived in my constituency. That may or may not be something that Mr. Nick Griffin does regularly, but I should like to think that Members of the

European Parliament must give the same notice as Members of Parliament when they intend to visit constituents. I do not know why Mr. Griffin was wined and dined in Painswick, in my constituency, but he was.

It just so happens that one of my constituents took offence, and happened to spill some beer over Mr. Griffin. I know the young man concerned, and he is totally upstanding. Indeed, he is an outstanding individual, the sort of person with whom I am proud to be associated. As a result of that incident, he was taken outside and given one hell of a hiding. I am not prepared to accept that any politician should have a private army. I am not prepared to have the BNP anywhere near my constituency. In previous times we would have chased these individuals around but I hope that we will take action and look at the actions of the BNP. I do not know whether a court case is proceeding because the young man is too shocked, but it is indicative of what the BNP is like.

My second issue is one that I raised in a previous debate before Easter and concerns school staff. I can now use their names; Roger Lock, the former head of Marling school in my constituency, and Mick Madden who was the head of care at Cam house, also in my constituency. I use the past tense because they have now been summarily dismissed and have lost their appeals. Roger served for 30 years at the school, as well as being the head for a period. Mick served for 27 years at Cam house. Both have lost their jobs. There is an employment tribunal pending in both cases so I shall be circumspect in what I say, but their cases are mentioned in the excellent report from the Children, Schools and Families Committee.

A real issue arises in terms of how staff are removed. Most of the Select Committee report refers to pupil allegations; the cases in question did not involve pupil allegations, but did involve unfair practices. In the case of the second school's head, it is very unfair that allegations of bullying and harassment came suddenly to the surface after a new chairman of the governing body arrived. He became the presenting—or dare I say the prosecuting—officer. He chose the hearing committee. He chose the appeal committee, which involved a parent—the school's internal arrangements make it clear that a parent is not the preferred person to be on such a body—and two external representatives, which again was most peculiar. That case is deserving of proper investigation. A support group, the Friends of Marling School, is fighting on behalf of that head teacher. I wish the group well and will continue to raise the issue because wrong things have been done.

Mick Madden, too, has lost his job. He was seen a something of a sacrificial lamb, given that the deputy head of that school resigned and the head teacher, after 18 months of being suspended, was then reinstated. It just so happens that in the last couple of weeks the head teacher has been dismissed. The three senior members of the school's staff have now lost their jobs. Mick is by the far the most innocent of those individuals and is fighting his corner. He subsequently got another job but, to put it mildly, powers were brought against him and that job was also taken away. There has been a degree of vindictiveness, which is more than unfair and is deserving of proper investigation.

I finish by mentioning three Bills, two of which I have presented to the House and one of which, the Permissible Donors Bill, has been somewhat overtaken by events, I am pleased to say. I am glad that the Government have now come to their senses in terms of the Political Parties and Elections Bill and have seen that there is a need to restrict donor activity from outside. The first of my other two Bills was the Parliament (Disclosure of Information) Bill, which I hope in due course we will get a chance to talk about properly. The Bill demands financial disclosure, as in the United States where all representatives have to disclose three years' of tax returns in advance of taking office. That is a perfectly reasonable thing to do and I hope that arrangement can come in here.

Finally, the Media Owners (Residency Requirement) Bill would restrict ownership of media outlets to British individuals and British firms who pay full tax in this country. I could go on at length about what I have learned from others about those who have attacked us in this House. It would only be just and proper to look at the tax that they pay. Horrifyingly, many of those media outlets pay no tax at all. They are the key to tax avoidance and I hope that, in due course, we will get a chance to investigate those individuals, who they are and what they do.

8.45 pm

Mr. Nigel Evans (Ribble Valley) (Con): I was very disturbed to hear the story about the constituent of the hon. Member for Stroud (Mr. Drew) who spilled some beer over Nick Griffin. I am vice-chairman of the all-party beer group. The hon. Member for Leeds, North-West (Greg Mulholland) is the chairman of the "Save the Pub" group. All I can say is, "What a dreadful waste of beer." I take on board the serious point made by the hon. Gentleman. If people were beaten up every time beer was spilled, there would be hardly any room in the accident and emergency department of any hospital in this country. I hope that the person concerned is able to pursue the matter.

I hope that the House will not adjourn until we have had the opportunity to discuss the issue of Mr. John Siddall and his deceased wife who, in September 2004, went to Menorca. What happened to Mrs. Siddall there, and the repercussions since on Mr. Siddall, are of relevance to each and every Member of Parliament, particularly as we are now in the summer season and people are looking forward to their package holidays and generally to going abroad.

Mr. and Mrs. Siddall were an ageing couple, and we should bear in mind that we now have an ageing population in this country. They went to Menorca to enjoy a holiday. Sadly, Mrs. Siddall was taken ill. Mr. Siddall did not know what to do about that in Menorca, so he contacted the hotel front desk and the hotel doctor was called. He had a look at Mrs. Siddall and decided she should be admitted to hospital. Instead of admitting her to the appropriate hospital, however, she was taken past the state hospital to a private hospital. Mr. Siddall was concerned about his wife and does not speak Spanish, and he did not know exactly what was happening in terms of the diagnosis of Mrs. Siddall during this period. Later, it became obvious to him that Mrs. Siddall was not getting any better in this private hospital. She was then finally moved to the state hospital, which had the right people with the right equipment. Sadly however, it was all too late and three days later she died.

[Mr. Nigel Evans]

On further investigation, we found that this problem affects a growing number of people in this country who holiday abroad. The last thing people think about doing when they are planning to go abroad is check out the local hospitals and the facilities available. They are going abroad to enjoy themselves.

There are suspicions about what has happened in this case. I have spoken to a number of people about it and I have visited the British medical emergency service forum, which deals with such situations on a daily basis, and I have learned that there is often a web of money involved in the choice of hospitals in certain countries. Spain is mentioned time and again, but so are Bulgaria, Greece and a few other countries. In terms of this web of money, I am not making accusations against the tour operator, but there are suspicions about some individuals. There might be suspicions that there is money in it for the doctor to send the patient to the private hospital. There might also be money in it for the receptionist and for a taxi driver. Many different people might be on the take to ensure that the person is put into the private hospital where the money is paid.

Last year in Spain, consular staff were involved in dealing with the deaths of 1,500 people. To put that in context, the figure for Germany was 75, in France it was 170, and in the United States of America it was just 121. Therefore, 1,500 is a huge number. We know that a lot of British people visit Spain and others live there, and people might go and stay with those ex-pats as well. I have talked to some emergency service experts, and they believe that in many cases people should be going to the state hospital, irrespective of the fact that they might have fantastic private health care cover. They are not going to know that the private hospital might not have the right facilities. They are not going to know that the medical staff in the private hospital might not be trained to the same level as those in the state hospital. They might also think that the private hospitals are jolly good, and they might have always dreamed of going to such a hospital and believe that that is the right place to go; but the fact is that it is not. The emergency service forum has speculated that perhaps as many as 400 people a year die because they get sent to the wrong place where they are misdiagnosed or are just dealt with inappropriately.

We need action; I know that the emergency service forum wants action. It wants the tour operators to speak to the Government and the insurance companies to ensure that when people go abroad and something goes wrong, the tour operators follow a set procedure in order that people get to the right hospital. I am sure that the local tour operator will know the best restaurants, tourist activities and car rental companies. They should also know the right hospital to go to, so that if someone who is booked on a holiday with the company falls ill, they get taken to the right hospital. They must not get shipped off to a place where people are coining it at the expense of others. People must not become victims, becoming too ill and then sadly dying as a result of not being dealt with properly. Mr. Siddall has to carry this with him for the rest of his life, and he is doing so. We clearly want justice for him, but what he wants is to ensure that a procedure is put in place so that this never again happens to anybody going abroad on holiday. I hope that the Deputy Leader of the House will refer to this in her winding-up speech and will ensure that the message gets out to the Foreign Office, the Department of Health and the Department for Culture, Media and Sport that there is clearly a serious problem that needs to be addressed and that, at this holiday time, action is urgently needed and should be happening now.

8.50 pm

Greg Mulholland (Leeds, North-West) (LD): I am pleased to take part in this debate. I wish to start by picking up on something said by the hon. Member for Isle of Wight (Mr. Turner). He wished us all well on our holidays, but I should make the point on behalf of all hon. Members that the recess is not a holiday and we shoot ourselves in the foot if ever we give the impression that it is. I will be working for a great proportion of that time, as I am sure most right hon. and hon. Members will be. I find that I am busier in September with constituency visits to schools, hospitals, homes and so on than I am when I am in this place. We must debunk the damaging myth that the recess is a holiday, because enough damage has been done already.

Mr. Drew: Would the hon. Gentleman like to say what he thinks about the 38 Degrees campaign? To my mind, it is the most simplistic campaign; the survey that I have been asked to fill in is highly dubious, because it assumes that I am on holiday. It is quite a wrong campaign, and I hope that he will be able to say a little on that.

Greg Mulholland: I absolutely agree with the hon. Gentleman. All hon. Members have a responsibility to be prepared to share broadly what they are doing. I will be spending some time in my constituency and some time here, and of course I will rightly be spending some time on holiday. It is important to get that balance across.

I wish to raise, yet again, the problems of public transport in Leeds. People in the Yorkshire and the Humber region are sick of being bottom of the Government transport spending league table, and we are simply not prepared to be at the bottom of it year on year. We have just received another couple of blows, the first of which was the decision by First to scrap a number of bus routes in the Leeds area. Again, the decision was taken entirely in that company's own commercial interest and with little regard for the people who want to use those services. Metro, the passenger transport authority, has estimated that the decision will lead to approximately 14 per cent. of those people not bothering to use the bus network at all.

Even worse than that decision is the as yet unconfirmed report—it is a disgrace that there has been no confirmation—that the Department for Transport is going to reduce from 182 to 106 the number of additional carriages for the Northern Rail franchise. The figure of 106 is a little more than half the original commitment set out clearly in the rail White Paper, which was published in just 2007. The simple reality is that since the late 1990s the number of peak rail passengers in West Yorkshire has almost doubled, and is continuing to grow, yet Northern Rail has had no new carriages in the past five years—during that period, commuter services in London and the south-east have had 580. That

discrepancy is simply not acceptable. We have not even been given confirmation of this reduction in the number of carriages—it has simply been reported. Department for Transport Ministers have not come to this place to give us that announcement. I wrote to the Secretary of State today demanding that we find out as soon as possible whether this decision has been taken. I shall be critical of the Department if it makes a negative announcement during the recess, because that is not acceptable.

I am also keen to lead on the campaign for high-speed rail to Yorkshire and the Humber. Many of us who represent Yorkshire constituencies are very pleased to support the excellent fast track to Yorkshire campaign, which is running in the *Yorkshire Post*. A number of us from a cross-party group of MPs have this week written to councils up and down the Yorkshire and the Humber region asking them to support that excellent initiative. If we are serious about getting through this recession and kick-starting the economy again, we need foresighted investment; many regions in this country have been held back in that regard. It would be a welcome addition to the rather facile debate about cuts, if we were to talk about the real, long-term investment that this country so patently needs.

I also wish to touch on the issue of the Leeds arena and the "Leeds needs an arena" campaign running in the *Yorkshire Evening Post*. I am delighted that Yorkshire Forward has come forward with £18 million of funding for this excellent initiative. As all who visit Leeds know, it is a cultural hub. We are proud of that and the city needs a first-class concert arena. It is frustrating that the Government have to rubberstamp this money, and it is disappointing that some Sheffield MPs are seeking to interfere in what we are doing in Leeds. I ask them to keep their noses out. The Government should allow these decisions to be taken in Leeds by Leeds city council and Yorkshire Forward.

I have also to bring to the attention of the House once again the appalling case of Dr. John Hubley, my constituent who died following complications at the Eccleshill independent sector treatment centre in Bradford. The first question is why Dr. Hubley was sent there when he wanted to have his procedure at the excellent Wharfedale hospital in my constituency. It was, of course, because Leeds PCT has a contract with the independent sector treatment centre that it has to fulfil. Dr. Hubley's death was described as unnecessary and the verdict was death by misadventure. The coroner said that the safety procedures at the facility were a "recipe for disaster" and "Mickey Mouse". That is appalling, but the situation was made worse when Leeds NHS decided to put the matter in the hands of its solicitors, who gave Dr. Hubley's fiancée—also my constituent—10 days to respond to what was essentially a threat. She was told that she had to accept a frankly derisory offer of compensation to her and Dr. Hubley's two children and if the family did not accept, they would become liable for legal costs running into hundreds of thousands of pounds. This behaviour by Leeds NHS is despicable, considering what the family has already gone through. It was bullying and blackmail, and to do that to a family who had already suffered the loss of a loved one is scandalous and flies in the face of everything that the NHS is supposed to stand for. It is cowardly to have put the matter in the hands of solicitors, and Leeds NHS's apology rings hollow.

I am also disappointed that the solicitors, Brown Jacobson, claim to have been following legal procedures and principles, but it is extraordinary that the coroner has not had the chance to respond. The offer is on the table and has to be accepted or the family will lose all their money. Frankly, whoever made the decision to act in this way at Leeds NHS should resign, but it is difficult to discover the identity of that person, although I have requested it under the freedom of information legislation.

The case shows the problem with independent sector treatment centres. The National Patient Safety Agency has warned that no surgery should be commissioned or delivered in facilities that lack systems or equipment to deal with emergencies, but the simple fact is that we do not know whether that is the case in independent sector treatment centres. Nor do we know exactly how many operations are being performed under the £2.7 billion contract, because the Government will not tell us for reasons of commercial confidentiality. I have asked several times for a proper debate on this issue, because at the moment the Government are allowing the PCTs to play fast and loose with the NHS's guiding principles.

On a lighter note, I wish to thank all my colleagues in the "Save the Pub" parliamentary group. We have achieved an enormous amount in a short time. I hope that all hon. Members will support the pub and enjoy a pint or two in pub gardens this summer. I hope that you, Mr. Deputy Speaker, will be one of them.

8.59 pm

Mr. Paul Burstow (Sutton and Cheam) (LD): I wish to take part in this debate to raise several issues that have come out of my constituency mailbag and surgeries. The first of those issues came to my attention at my surgery last Saturday at Worcester Park library, when a couple of my constituents came to tell me about their niece who, at the age of 22, had been diagnosed with cervical cancer. She was given the necessary treatment: she had operations, and she also received chemotherapy and radiotherapy. Before the treatments proceeded, she was offered the opportunity of a cycle of ovary stimulation and egg harvesting, which meant that her fertilised eggs could be safeguarded by being frozen and stored so that they could be used in the future. The treatment made her infertile but the storage of those harvested embryos meant that she had the chance to have children. Thanks to a surrogacy arrangement, she now has a child. So far, so good—but, as was noted earlier in the debate, the law of unintended consequences sometimes operates when we in this place legislate.

Back in 1990, this House passed an Act of Parliament dealing with the regulation and control of embryos that provided that embryos could be stored for up to five years. Just last year, in 2008, another Act was passed to change the framework and extend the storage period to up to 10 years. It also provided that new regulations could be made to allow for further extensions thereafter. The problem is that the five-year period under the old Act expires for my constituents' niece before the new Act comes into force. Her embryos are therefore in limbo, between one Act of Parliament and another. As a result, even though the embryos were stored well within the 10-year period specified by the new legislation, they will have to be destroyed in September of this year. With them will go the hopes of there being any further children for that family.

[Mr. Paul Burstow]

The Human Fertilisation and Embryology Authority was consulted by the Government about this very issue. Its response was very clear, as the consultation documents show. It said:

"An unfortunate matter of timing ought not to be grounds enough to deny access to extension for those who actively desire it".

I can tell the House that the people in this case do actively desire just that.

There is a statutory instrument on this matter currently before the House. It has not been debated yet, although there has been a formal request that it should be. It is really important that people who find themselves in the limbo between the old Act and the new one should not be confronted with having their embryos destroyed before this House has had the opportunity to debate the matter. We need to persuade Ministers to change their minds and accept that, in this case, it is inappropriate for them to cite the wrongness of retrospection. This retrospection is about life and the opportunity for someone to have children.

Mr. Gale: I know that if my parliamentary friend and neighbour, my hon. Friend the Member for Canterbury (Mr. Brazier), were here he would be four-square behind the hon. Gentleman. We have a local case that is almost identical to the one that he has described. There are very few such cases, but it is a very tragic circumstance.

Mr. Burstow: I am very grateful to the hon. Gentleman for that intervention. Indeed, the hon. Member for Canterbury (Mr. Brazier) is one of the hon. Members from all parties who have signed my early-day motion 1929 on this very issue. I fear and suspect that there are a number of tragic cases such as this, but some very active families are making sure that we in this place are doing our job of representing their concerns.

The second issue that I wish to raise has to do with housing. Last night, I received an e-mail from Jean Crossby, who chairs the federation of tenants and residents associations in the London borough of Sutton. She told me that the long-awaited funding to pay for renovating and updating Sutton's council housing to the Decent Homes standard is to be delayed for several years. The Government aspire to raise homes to that standard, as I am sure do all hon. Members, but the decision means that the 800 box bathrooms installed in the constituency of my hon. Friend the Member for Carshalton and Wallington (Tom Brake) 40 years ago will not be replaced for years to come, even though they were fit for only 15 years in the first place. The problem is that those box bathrooms are coming away from the properties to which they were attached. They have asbestos in them, and they are a nightmare that needs to be brought to an end.

Chaucer house is a tower block in my constituency. It has leaks, poor plumbing and poor electricity supplies, as well as many other problems that need to be dealt with. Again, its residents face the prospect of more delays.

On 4 June last year, the chief executive of the London borough of Sutton was told in a letter that the Department for Communities and Local Government was expecting to make "substantial funding allocations" for the start of the Decent Homes investment programme in 2009-10. In a written statement, the Housing Minister restated that commitment to that funding. He stated:

"We remain committed to completing our comprehensive decent homes programme and to maintaining this standard. The reforms I propose will safeguard this commitment. Capital funding will be provided to support this."—[*Official Report*, 30 June 2009; Vol. 496, c. 99WS.]

So much for that support and so much for that capital funding, because just 17 days later, on 17 July—last Friday—in a press release rather than a written statement or any other form of statement to the House, the Minister announced that to fund the Prime Minister's promise of 20,000 new homes, the Decent Homes programme must be put on ice. It will have raided to provide the extra money to pay for those new homes.

That will affect the arm's length management organisations in the constituencies of hon. Members across the House. In my constituency, it will mean that the promise of £112 million will not be delivered. Work had been going on well with the tenants organisations and staff. The announcement will damage their morale and the relationships between the local housing partnerships and tenants, who see it as another sign of the total disregard of their poor living conditions.

For all those reasons, I hope the deputy Leader of the House will give us some indication that the Government will look at the matter again, and that they will deliver the Decent Homes standards to which they have attached so much importance. Given the overwhelming evidence that substandard and poor housing conditions are the breeding ground of despair and often the place where the British National party thrives, it cannot make sense not to invest in decent homes or to ensure that those resources are available.

My final point is on Sri Lanka. I have many Tamil constituents and although the war may have come to an end, there are many humanitarian issues in the country, not least rape, torture and child recruitment. Three hundred thousand Tamils are still detained in camps. They are not allowed free movement, and food, water and other supplies are limited. Half the children in the camps are under-nourished. There are outbreaks of disease—chicken pox, hepatitis A and many others. That is not peace; it is war by another means. It is terror inflicted upon an innocent group of people who deserve better. It is time the Government did even more to ensure that as the gaze of the world has moved away from Sri Lanka since the firing ended, we focus very clearly on the Sri Lankan Government to ensure that they deliver a just peace and human rights for the country's Tamil population.

9.7 pm

Mr. Shailesh Vara (North-West Cambridgeshire) (Con): I thank all who have spoken in this debate. Many Members on both sides of the House have done so, and I say a big thank you to all of them for staying right till the end on this last day before recess.

It was with typical passion that the hon. Member for Chorley (Mr. Hoyle) made the first speech. He is the same whether it is the last or the first day of term. I thank him for having the courage to be critical of the Government, and particularly of the earlier statement. The hon. Member for Stroud (Mr. Drew) is smiling, but he should perhaps let me finish what I am saying, particularly given that many people are affected by the Equitable Life issue and that it is important for many of

us in all parts of the House. I praise the hon. Member for Chorley for having the guts to criticise the Government for their lousy statement and their even lousier answers when hon. Members spoke up passionately for their constituents' interests. The issue was subsequently taken up by my right hon. Friend the Member for West Derbyshire (Mr. McLoughlin) and my hon. Friend the Member for Christchurch (Mr. Chope).

The hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith), gave us a bit of good news when he spoke of the possibility of jobs in the supply of oil and gas in the west of Shetland. Clearly, that would happen in the medium to long term, but at a time of such economic crisis it is good that we can occasionally talk about the creation of jobs rather than their loss.

My hon. Friend the Member for North Thanet (Mr. Gale) raised a very serious issue and I hope the Deputy Leader of the House passes it on to the relevant Ministers. It is unacceptable that some 2,000 to 3,000 people who have paid their taxes and lived most of their lives in Britain find that the benefits that they have been promised have been terminated. That is despite the fact that all the evidence says they should be in receipt of those benefits. Those elderly disabled people have given our country its due, but the country is denying them what is theirs by right. I very much hope that the Deputy Leader of the House will deal with the matter expeditiously. I congratulate my hon. Friend on raising it in the House today.

My hon. Friend the Member for Rochford and Southend, East (James Duddridge) clearly showed in the number of issues he raised, and in the way he raised them, what a conscientious and diligent Member of Parliament he is. How proud his constituents must be to have him as their Member of Parliament.

Dr. Julian Lewis: And lucky.

Mr. Vara: Indeed. My hon. Friend the Member for Rochford and Southend, East mentioned his local airport and spoke about his constituents' problems with the tax authorities—something that affects all of us. However, most of us will have been particularly struck by the fact that hospitals, including his local hospital in Southend, are stopping people bringing flowers to patients. That is distressing news, both for patients and the friends and relatives who want to bring them a little lightness at a time of serious ill health. I wish my hon. Friend well in trying to overcome that ban at Southend hospital.

My hon. Friend the Member for Isle of Wight (Mr. Turner) spoke about an issue that he has raised before concerning Vestas, a successful Danish company, which less than a decade ago received £3.5 million of British taxpayers' funds to help it start in the UK. On the day the company announced record profits, it also announced that 600 jobs would go in my hon. Friend's constituency. I was sorry to hear that he had been unable to speak to Lord Mandelson and had not even received the courtesy of a reply to his letter, but I have to say that I am not surprised. It is clear evidence that Lord Mandelson's attention is on anything but his various responsibilities; his only concern is trying to prop up a failing and discredited Prime Minister.

The right hon. Member for Birkenhead (Mr. Field) raised a disturbing case of alleged fraud concerning a doctor. He also raised a broader issue—that we should ensure that public servants who are trying to act in defence of public funds are not themselves penalised. I hope that his criticism of the Government will be taken on board, and that the Deputy Leader of the House conveys the proper message to the relevant Ministers.

My right hon. Friend the Member for West Derbyshire mentioned that Derbyshire county council has become Conservative after a number of years. That was one of the highlights on the day of the local and European elections and I join him in congratulating his local county councillors, and I wish them well in trying to undo the mess they inherited from their predecessors.

My right hon. Friend also raised the important point that schools are burdened with so much regulation that many of them are considering no longer having exchange trips. I for one found such trips useful when I was at school, and few people would argue that they are not good for the development of the individual. My right hon. Friend is right to press ahead with the issue and I very much hope that his concerns will be heard by the Secretary of State for Children, Schools and Families, although he is another Secretary of State whose eye is anywhere but on his brief.

I hope that the Deputy Leader of the House has taken on board the concerns about bovine TB expressed by my right hon. Friend. The issue concerns many of us who have rural constituencies.

The hon. Member for Berwickshire, Roxburgh and Selkirk (Mr. Moore) deserves congratulations from all of us on the fact that he has a new addition to his family. I congratulate him and his wife Alison on the birth of their daughter, Ella, eight weeks ago. The hon. Gentleman paid tribute to his local hospital. The health services generally deserve a big thank you for doing so well in difficult circumstances. We have a Government who are burdening them with excessive bureaucracy and who put targets above health priorities. Working under such conditions, the health services deserve credit. We often express our thanks to the doctors and nurses, but let us take this opportunity to thank the cleaners, the porters, the caterers, the receptionists and all the volunteers who also do such sterling work in the health services.

My hon. Friend the Member for The Wrekin (Mark Pritchard) displayed his expertise and knowledge of matters foreign. He delivered a passionate and welcome speech on Afghanistan. I was privileged to visit Afghanistan last November and to meet some of our brave men and women, many of them very young. It is a matter of concern that they are not getting the full backing and resources they deserve when they are fighting for the interests of Afghanistan and the broader freedom of the rest of the world.

It is a disgrace that although we have some 500 helicopters, there are only 30 in Helmand province. Moreover, it is regrettable that the Prime Minister does not have the courage to admit his contribution to the lack of helicopters through his failure to allow the proper budget for them when he was Chancellor. May I say how disingenuous it is for him to speak of a 60 per cent. increase in the number of helicopters in the past two years? When he talks about the increase in troops, he mentions specific numbers, yet on the subject of helicopters he has to resort to playing with words and speaking of 60 per cent. By doing so, he demeans himself and the office that he holds.

Sir Robert Smith: It is telling that although the Government say they have enough helicopters, they are trying to get more. Why are they trying to get more if they think they have enough?

Mr. Vara: The hon. Gentleman makes a valid point. By contrast, the Americans have a similar number of troops to the number that we have, yet they have 100 or so helicopters in the same region.

As usual, my hon. Friend the Member for Southend, West (Mr. Amess) made a number of constituency points. When he spoke of breast cancer in men, it reminded me of the occasion I tried to introduce a private Member's Bill to increase the breast cancer screening period for women. The Bill was talked out by the Government but, as is frequently the case, they were happy to take on board a good policy and rehash it as if it were their own. In his first conference speech to the Labour party, the Prime Minister said he thought it was a good idea to increase the screening period for breast cancer for women. I was pleased that he took on board my suggestion. Again, it is typical of the Prime Minister and the Government that they fail to give credit to the Opposition when they take our policies. Nevertheless, I am pleased that people will benefit from it.

I congratulate my hon. Friend on his chairmanship of the Maldives all-party group. With reference to his concern about the slowness of answers to his questions, a question tabled in 30 September 2008 and only now receiving an answer is pretty deplorable. I take this opportunity to mention the fact that the Government often do not supply attachments with answers. They make reference to the House of Commons Library, but members of the public who take an interest in parliamentary answers do not have access to the Library. The Government ought to bear that in mind.

My hon. Friend the Member for New Forest, East (Dr. Lewis) paid rightful tribute to Catherine Hickman, a beautiful young lady who, sadly, lost her life at a very early age in the recent tragedy in Camberwell. Our thoughts and prayers are very much with Catherine Hickman, her family and her partner, Mark, and with the friends and relatives of all the others who so sadly lost their lives on that day.

My hon. Friend the Member for Ribble Valley (Mr. Evans) raised the sad case of Mr. and Mrs. Siddall. I entirely agree that priority should be given to ensuring that there is a procedure in place for people who go abroad and find themselves unwell. We need joined-up thinking when it comes to working with the Foreign Office, the Department of Health and the Department for Culture, Media and Sport. We are talking of lives being at stake, nothing less.

We have heard many speeches, a number of them critical of the state of affairs in Members' constituencies. The Conservatives certainly know who, after 12 years of Labour Government, is responsible for causing all that criticism, and we have no hesitation in laying the blame where it belongs—with the Prime Minister and his Government. I am only sorry that, with the exception of the hon. Member for Chorley, no Government Member had the courage to blame those who deserve it, including the Prime Minister himself.

The hon. Member for Leeds, North-West (Greg Mulholland) rightly spoke of the recess as an occasion for us to take our holidays, as well as an occasion to spend more time on constituency activities. The hundreds of e-mails and letters that we receive will not stop because of the recess. They will continue to come to us, and our constituents will expect replies, which they will receive from us, despite the fact that it is the recess.

May I simply take this opportunity to wish all Members, their staff and all the House staff a happy recess, and may I also wish you, Mr. Deputy Speaker, a happy recess? I very much hope that the Prime Minister will take the opportunity for reflection and come to the right conclusion that everyone else in the country has reached—it is high time to hold a general election.

9.21 pm

The Parliamentary Secretary, Office of the Leader of the House of Commons (Barbara Keeley): It is a pleasure to follow the hon. Member for North-West Cambridgeshire (Mr. Vara), even though I do not necessarily agree with his final comments.

Barry Gardiner: Does my hon. Friend not agree that an Adjournment debate in which many Members have taken part—and I count myself privileged to be able to participate this afternoon—demonstrates a spirit of comradeship across the House, as we have raised issues that we all accept are appropriate to our constituencies? Is it not a shame that that note of party political temper had to come in at this late stage, when we are all looking forward to the recess?

Barbara Keeley: Those are very much my sentiments.

When my predecessor, my hon. Friend the Member for Rhondda (Chris Bryant), first responded to a recess Adjournment debate, he said that these were slightly odd events. Most hon. Members would accept, given the variety of topics and issues that have been raised tonight, that that is certainly the case.

Jeremy Corbyn: I look forward to my hon. Friend's reply, and I hope that she will follow the convention of the House and make mention of all the contributions that have been made. I was astonished that the hon. Member for North-West Cambridgeshire (Mr. Vara)—*[Interruption.]* I was hurt, too, that he did not even attempt to reply to any of the important issues raised by Labour Members, including the obvious, legitimate and quite correct concerns about Heathrow airport expressed my hon. Friend the Member for Hayes and Harlington (John McDonnell). My hon. Friend the Member for Ealing, Acton and Shepherd's Bush (Mr. Slaughter) was concerned about housing, but there was no attempt by the hon. Member for North-West Cambridgeshire at a reply, even though my hon. Friend specifically complained about the Conservative-controlled Hammersmith council, which has apparently disregarded the social needs of the people of Hammersmith.

Barbara Keeley: I thank my hon. Friend. It is useful to have a reminder of those issues, and I shall try to come on to deal with them.

Mr. Vara: I hope that when the hon. Member for Islington, North (Jeremy Corbyn) reads *Hansard*, he will appreciate that I made collective mention of all those on the other side. I hope he accepts that that means I gave everyone a mention. *[Interruption.]* If he

has difficulty understanding standard English, I suggest that he take that up, as I said earlier, with the Secretary of State for Children, Schools and Families.

Barbara Keeley: To begin—

John McDonnell: Perhaps my hon. Friend could enlighten us on the concept of collective reference. To a number of us, it looks like a collective ignoring of key issues, including avoidance of any response to the political gerrymandering by the Tory administration that has gone on in Hammersmith.

Mr. Deputy Speaker (Sir Michael Lord): Order. There is a danger of hon. Members doing the work of the Deputy Leader of the House for her.

Barbara Keeley: Thank you for that intervention, Mr. Deputy Speaker.

We can draw a parallel between the contributions of Members who have stayed to the end—we hope to stay to the bitter end, 10 o'clock—of this debate, the last debate of the summer, and the dogged determination of our valiant cricket teams in the current Ashes test series. Members will note that I use the word "teams", in the plural, because I mean the women's cricket team as well as the men's team. Of course, the women have already retained the Ashes, so congratulations to them.

The fine stand of Anderson and Panesar, hanging on until the finish to take a draw from the first ever test match in Cardiff, was equal to the determination of right hon. and hon. Members here to raise their constituency issues and other issues in this penultimate debate before the recess.

Mr. Hoyle: Would my hon. Friend like to comment of the role of the Lancastrians, Freddie Flintoff and Anderson, who performed without exception and ensured both victories?

Barbara Keeley: I was referring to the first test match—but definitely, with regard to the second test.

Mr. Hoyle: Anderson won the first; Flintoff won the second.

Barbara Keeley: Yes, indeed. I was very definitely going to mention the role of Freddie Flintoff, who took a very fine five wickets.

Mr. Hoyle: Both Lancastrians.

Barbara Keeley: Yes, and it is a great pity that there will not be a test match at our Old Trafford, where we could have celebrated their achievements locally.

John McDonnell: Now that my hon. Friend has used that analogy, who would she designate as the Flintoff of this debate?

Barbara Keeley: I shall leave Members to work that out for themselves.

We had many excellent contributions. It had seemed as if it might not be possible to get through the great number of issues that were raised, but I shall certainly try to. Following the cricket analogy, I should note that my hon. Friend the Member for Chorley (Mr. Hoyle) was our opening batsman and did a great job. He raised the issues of manufacturing jobs, the Forensic Science Service, his local hospice, Equitable Life, the HM Revenue and Customs office in Chorley, which we learned was an award-winning tax office, and fuel duty in rural areas. His speech was a model of how to get as many topics into a recess Adjournment debate as possible—particularly as he had only seven minutes.

Mr. Hoyle: Six and a half.

Barbara Keeley: Yes, but we noticed that he did use some of another Member's time by intervening.

Other hon. Members also managed to fit in many subjects. The hon. Member for Southend, West (Mr. Amess) included at least nine or 10.

Mr. Amess: Twelve.

Barbara Keeley: Twelve, was it? I lost track. They came thick and fast.

The hon. Gentleman talked about the funding of a young athlete, and I know that the publicity that he has given to that young athlete can really help. I have in my constituency a promising young triathlete called Aimee Backhouse, so I have managed to give her a mention, as the hon. Gentleman gave one to his constituent, and that is a great thing to do.

Mr. Hoyle: As my hon. Friend has mentioned the tax office and the importance of Chorley, will she arrange another meeting about the future of the tax office closure programme?

Barbara Keeley: Yes, indeed. My hon. Friend raised many subjects, but, where appropriate, we will try to get him meetings, and answers, on the topics that he raised, as we will do with all hon. Members who are here tonight.

Some hon. Members' speeches had a different format and focused on a single issue. My hon. Friend the Member for Pendle (Mr. Prentice), who is not in his place, talked about delays in investigating freedom of information requests, and we will try to get him the answer that he wants.

Mr. Hoyle: He's on his way to Pendle.

Barbara Keeley: Yes. *[Interruption.]* He's moved.

The hon. Member for North Thanet (Mr. Gale) also made a case for claimants of exportable benefits such as disability living allowance, following the European Court of Justice ruling, and he commented on some other issues, too.

Let me turn to the couple of issues to which a number of Members referred. On Equitable Life, the hon. Member for West Aberdeenshire and Kincardine (Sir Robert Smith) said that if regulators fail, that causes problems. My hon. Friend the Member for Chorley was concerned about the answers that he had heard today, and the right hon. Member for West Derbyshire (Mr. McLoughlin) was concerned about hardship. The hon. Members for Christchurch (Mr. Chope) and for Berwickshire, Roxburgh and Selkirk (Mr. Moore) also commented on the issue.

Mr. Drew: I have been sympathetic, although not entirely sympathetic, to the ombudsman's case. It would be useful if she came to this place and talked directly to Members about her case; there is now some confusion and a degree of interpretation about that. I have offered to go and see the ombudsman—I should say that I went to school with her, although she does not realise that. *[Interruption.]* I did not sit next to her. She should come here and explain her case. Will my hon. Friend set that in motion?

Barbara Keeley: It is not my role to set that in motion, but I can refer it on.

I return to Members' comments on Equitable Life. Earlier, we had an urgent question on the matter, and the Chief Secretary to the Treasury raised some key points. The point at issue relates to the failure of regulators, but my right hon. Friend feels strongly that the Government are not the compensator of last resort. He made that key point today.

A number of hon. Members asked whether we could lay out the timetable. They need to know when action will be taken, and I shall take that message away and communicate it again. I say to any hon. Member who was not here earlier that the Chief Secretary to the Treasury accepted the need for a timetable and said that he would try to provide a "long-stop date", as he called it, for resolution. He has already agreed to come back to the House to try to provide that.

Barry Gardiner: I understand what my hon. Friend has said about the Government not being the compensator of last resort in these matters. However, does she not agree that the most important point, made repeatedly in the House and in Westminster Hall debates on this matter, is that members of the Equitable Life scheme are now dying? It is unjust for people to be left in a state of limbo. The issue must be addressed with extreme urgency, because we cannot let it linger and fester as it has done.

Barbara Keeley: My hon. Friend has made his point very well, as have other hon. Members. We will communicate them all. However, it is worth reflecting that the Chief Secretary has said that he will come back with "a long-stop date" and try to give us a timetable.

Mr. Hoyle: My hon. Friend is generous with her time. *[Interruption.]* She has a bit of it to kill.

Is there an estimate of how many people will have died before any compensation is paid in respect of Equitable Life? What time scale is involved? There is a "long-stop date", but what does that mean? The truth is that the people have waited for long enough. The time is now ripe to pay them; they should not have to wait any longer. What pressure can my hon. Friend put on the Treasury so that it comes back with the answers that all our constituents want to hear?

Barbara Keeley: I can put the pressure of all the comments made by hon. Members this evening. I think that that is sufficient. The issue has been raised and some good points have been made. I will make sure that they get through.

Mr. Chope: One issue that is four-square within the hon. Lady's responsibility as a business manager is whether we can have a substantive motion and debate on Equitable Life. Earlier today, the Chief Secretary to the Treasury said that such a debate was a matter for the business managers. I asked her specifically whether she could give us an undertaking tonight that the Government would bring forward a substantive motion when we return in the autumn. In that way, we can test the will of the House in relation to the Government's policies on Equitable Life. Will she agree to do that?

Barbara Keeley: The hon. Gentleman will understand that I cannot agree to do that at this moment. However, I reiterate the point that there will be a report from Sir John in August. After it comes out, we will see what the situation is and what is the appropriate thing to do. We have had debates and oral questions on the matter and we will continue to treat it with the importance that Members have highlighted.

Mr. Moore: Can the Minister explain why it would not be in order to have a debate on a substantive motion in this place?

Barbara Keeley: I am not saying that it will not be; I am just saying that it is something that we can come back to. If hon. Members want to raise it again as soon as we get back, we should have Sir John Chadwick's report, and probably a much better idea of the timetable.

John McDonnell: Could my hon. Friend at least report the sense in the House that the debate needs to be time-limited—in my view it needs to be before the Queen's Speech, so some time in October, or at least no later than November—and that it should be on a substantive motion so that the House can express its will?

Barbara Keeley: I will certainly express the strong opinions and feelings that Members have raised.

Several Members addressed similar issues, but sometimes in different ways. My hon. Friend the Member for Chorley appealed for a national jobs summit and a short-time working subsidy. He particularly talked about supporting people staying in jobs—an important sentiment that fits in well with the policy theme of the Government.

The hon. Member for West Aberdeenshire and Kincardine appealed for tax incentives for the future. He wants to incentivise companies in west Aberdeenshire, focusing on smaller and more nimble ones that he thinks are particularly important in that context. I noted his comments about supporting and maintaining platforms and pipelines.

Sir Robert Smith: May I emphasise that those were not just my wishes, as there was also a Select Committee report on the matter?

Barbara Keeley: The hon. Member for Isle of Wight (Mr. Turner) raised an issue of concern that has been discussed in this Chamber recently—the loss of jobs and poor redundancy payments at Vestas. There are several issues to be taken on board, and I am encouraged by his positive comments on work with Ministers.

John McDonnell: Vestas workers are occupying their factory, and it behoves this House to send our support to them. They are not only fighting for their jobs but are at the forefront of the campaign against climate change, and they deserve our support.

Barbara Keeley: Yes, indeed. I understand that there are some differences, because Vestas made wind turbines for the American market, but points have been well made in the House.

Mr. Hoyle: I recognise that the products were for the American market. However, given that the Government are, rightly, expanding the UK market, with more wind farms offshore and onshore, what can we do to ensure that some of that work is put into the Vestas factory on the Isle of Wight to keep this country's manufacturing base going?

Barbara Keeley: That is a very good point.

The hon. Member for Isle of Wight talked about the importance of the South East England Development Agency. The Government have worked closely with SEEDA, which set up a taskforce as soon as the consultation was announced. However, it seems as though decisions are being taken very quickly, which is a pity.

We should not forget the textile industry, which was mentioned by the hon. Member for Berwickshire, Roxburgh and Selkirk, particularly the important issues concerning the cashmere knitting industry.

My hon. Friend the Member for Plymouth, Devonport (Alison Seabeck) outlined the variety of problems created for her constituents by leasehold management agents. There have been similar instances in my own constituency, particularly in connection with insurance cover. I will ensure that she gets the answers she wants on the two matters that she raised.

Alison Seabeck: Will my hon. Friend take back to Ministers the need to look at what they are doing in the private rented sector and link it across not only to letting agents but to managing agents? That is extremely important. There is a lot of common ground that we could legislate on, and over which the profession itself would like to see some controls.

Barbara Keeley: A constituent of mine who was also a councillor had great success in representing residents in tackling the insurance problem, which applies in other parts of the country.

The hon. Member for New Forest, East (Dr. Lewis) raised the tricky question of fluoridation, which also arises for us in the north-west. He covered the issues well, noting that it is difficult for MPs to influence the situation because the decisions are taken out of our hands.

Mr. Drew: There is an active all-party group on fluoridation, which has exposed some practices and the way in which area health authorities have tried to drive fluoridation forward. Should not the House have a further opportunity to review the use of fluoridation as an alternative to good dental practice? It is not acceptable, and that should be said loud and clear.

Barbara Keeley: That is an interesting thought. I have a dental surgeon friend, who probably would not agree, but the point is worth making.

My right hon. Friend the Member for Birkenhead (Mr. Field) raised alleged fraud in the NHS; he is not in his place, so I simply say that I shall try to get him an answer.

The right hon. Member for West Derbyshire made strong representations about the new protections under the Safeguarding Vulnerable Groups Act 2006 and the Criminal Records Bureau checks for those hosting foreign students. I will pass on his representations, but I disagree with him. I believe—and I think that my view is shared by the Department for Children, Schools and Families—that we must be careful to take enough steps to safeguard children. Some vulnerabilities attach to young people who go into people's homes when they are on exchange or foreign trips, and the protection may prove important.

Mr. McLoughlin: Does the Deputy Leader of the House believe that foreign exchange visits are important, or is she willing for them to end if they entail such a bureaucratic system that schools will no longer engage in them?

Barbara Keeley: That must be kept under review, but I have been responsible in local government for schools services, and it is difficult when one believes that there are child protection issues. Protection must be across the board, and those who want to host visits should be ready to be checked—just as all those who visit schools, including Members of Parliament and authors, should be willing to be checked, as councillors have to be. *[Interruption.]* We must agree to differ, and I will pass on the right hon. Gentleman's representations.

Mr. Gale: The hon. Lady skirts around an issue that raised its head in the past week. Some prominent authors have already said that they will not visit schools. Many Members of Parliament have work experience students, who are under the age of majority, working with them. There is a danger that we will find ourselves in the same position as the authors, and that such citizenship work will come to an end because people are unwilling to go through the process.

Barbara Keeley: I do not believe that authors should stop visiting schools or that people should have a problem with certification for visits. However, if it is a problem, we must keep it under review.

Several hon. Members have praised Ministers for their work; that is rare in such a debate.

Mr. Andrew Robathan (Blaby) (Con): Not from this side.

Barbara Keeley: Yes, they have.

My hon. Friend the Member for Elmet (Colin Burgon) praised a Foreign Office Minister—I think he meant my hon. Friend the Member for Rhondda—for his quick response concerning the military junta that has taken over the Government in Honduras. I will pass on his comments, but also his concern that the Government should take up the implacable position that he would like.

Colin Burgon: I understand that the Under-Secretary of State for Foreign and Commonwealth Affairs, my hon. Friend the Member for Rhondda (Chris Bryant) is currently visiting a couple of countries in Latin America. Will my hon. Friend the Deputy Leader of the House use her powers to direct him to visit Honduras to lecture the military junta on the bad steps that they have taken?

Barbara Keeley: I do not know whether my powers extend to directing my hon. Friend in such a way, but I will pass on that representation to him.

The hon. Member for Isle of Wight wanted to thank Ministers for their actions on Vestas, but I will follow up the response for which he is waiting from the Secretary of State for Business, Innovation and Skills. I note that the hon. Gentleman is also getting on with Department for Environment, Food and Rural Affairs Ministers about fallen livestock—a subject that he has raised previously in such debates.

As is always the case in such debates, I do not agree with everything that everyone has said, but this is an useful opportunity for hon. Members to express what they feel. My hon. Friend the Member for Leyton and Wanstead (Harry Cohen) made representations on behalf of Ronnie Biggs. I fear that I do not agree with him.

Harry Cohen: My hon. Friend started with a cricket metaphor, so will she recognise that the friends and family of Mr. Biggs are sad that he is not out? Will she also confirm that the parole board recommended that he be released—that he be out—and that the decision by the Secretary of State for Justice against that is not a judicial one, but a political one?

Barbara Keeley: One could take that view, but Mr. Biggs served only one year of a 30-year sentence for a crime that involved violence, even if it was not violence that he instigated. The Justice Secretary has to take into account the feelings of all the families involved, including the family of the person who was lost.

I have already touched on one of the things that the hon. Member for Christchurch raised, but he also talked about the regional spatial strategy. It seems a shame that it has taken longer than expected to settle the timetable for those arrangements. I will pass on his comments to my right hon. Friend the Secretary of State for Communities and Local Government. However, I hope that the hon. Gentleman will attend the South West Regional Grand Committee on 3 September. In fact, I hope that all hon. Members will attend their Regional Grand Committees in September and October.

Mr. Chope: Will the hon. Lady give way?

Barbara Keeley: I really need to make some progress now.

Let me deal with the contribution from my hon. Friend the Member for Brent, North (Barry Gardiner). It is difficult to comment on some issues that hon. Members have raised, because they have done that vital thing that a constituency MP does, namely raise various local issues. We heard that he wants happy children in his constituency, not victims of Happy Child Ltd. He also raised a serious concern about bailiffs being out of control. If anything can be done in legislative or other terms, that would be helpful.

Barry Gardiner: Would my hon. Friend accept that it is not simply a matter of bailiffs being out of control, but a matter of councils—in this case Brent council—not communicating effectively when they have come to an agreement with the debtor on how to pay over a period of time, and then allowing the bailiffs to continue with the process of distraint, which causes enormous distress to constituents?

Barbara Keeley: Yes, indeed. I know from my own experience when I was a local government councillor the great distress that bailiffs can cause. It behoves the council to take my hon. Friend's points on board.

Let me add my congratulations to the hon. Member for Berwickshire, Roxburgh and Selkirk and his wife Alison on the birth of their daughter Ella. I thank him for his praise of nurses and midwives. I will also take up the issues that he raised about the textile industry.

The contribution from my hon. Friend the Member for Cleethorpes (Shona McIsaac) highlighted the benefit of these Adjournment debates. I commend her on the persistence that she has shown in raising the issues concerning trawlermen, who will now receive the compensation that they deserve. She has fought for that. She also mentioned her campaign, which she is persisting with, to reduce the tolls on the Humber bridge, with which most of us would agree. It is vital to make crossing backwards and forwards affordable.

Mr. Greg Knight (East Yorkshire) (Con): The Deputy Leader of the House has just said that most of us would agree with the campaign of her hon. Friend the Member for Cleethorpes (Shona McIsaac) to reduce the tolls on the Humber bridge—certainly I agree with her—so is this a Government commitment?

Barbara Keeley: No, it is an expression of the solidarity of the pre-recess Adjournment debate more than anything else.

Let me deal with the serious comments made by the hon. Member for The Wrekin (Mark Pritchard)—*[Interruption.]* He is over there. People have moved around; it is very confusing. I join him in paying tribute to all the men and women in our armed forces serving in Afghanistan and Iraq, and I pass on our condolences to the families of those who have been lost—another serviceman has been lost today. I am sure that other hon. Members know that this is also a question of providing support and solidarity for the families of those who have been injured. I have a constituent whose son was terribly injured by a roadside bomb in Afghanistan, and that is a loss for the family, too.

Alison Seabeck: Would my hon. Friend be willing to commend the rehabilitation work that is carried out in a range of places around the country, including the naval base in Plymouth, particularly for people who have lost limbs?

Barbara Keeley: Yes, indeed. My constituent and his son had a very useful meeting with me and the Minister responsible for veterans, and the support that the young man is now getting in the rehabilitation phase is very important to him.

My hon. Friend the Member for Northampton, North (Ms Keeble) joined in the tribute to the armed forces. She is a member of the armed forces scheme, which is another useful parliamentary scheme. She said that she supported the armed forces and their mission. She also raised a number of quite serious-sounding issues about planning policy. Several Members have mentioned planning

policy issues related to their local council. Such issues can be difficult. The plan that my hon. Friend mentioned—the major emerging plan to turn Northampton from a town into a city—is a plan of a different order, so I will pass her comments on.

Ms Keeble: Does my hon. Friend really think that six weeks, starting on 28 July, is sufficient time for the local community to be consulted on those major plans?

Barbara Keeley: No, I do not. If my hon. Friend looks at the Cabinet Office policy on consultation, she will see that a six-week period that takes no account of a holiday season would in no sense be regarded as acceptable. She could remind her local council of the Cabinet Office's good practice guidance on consultation, and suggest that it starts to stick to it. She also mentioned the scale of the planning developments in her constituency.

My hon. Friend the Member for Ealing, Acton and Shepherd's Bush (Mr. Slaughter) is not in his place—[HON. MEMBERS: "Yes, he is! He's behind you!"] I should say that it is very confusing when Members move around the Chamber, because I tend to fix them in my mind. My hon. Friend highlighted what seemed to be a really disgraceful example of a council—Hammersmith and Fulham council—carrying out a very difficult-sounding scheme that is putting people out of the estates where they have lived since the 1950s and 1960s and moving a different type of person in. We have come across this before in this country, and it is a serious matter. My hon. Friend has invited other Members to dissociate themselves from such actions, and it is open to them to do so.

Mr. Slaughter: I apologise to my hon. Friend for confusing her, and for being slightly late for her speech. I blame the dodgy telly in the Adjournment restaurant, rather than not wanting to hear the Opposition Front-Bench spokesman. However, I understand that the hon. Member for North-West Cambridgeshire (Mr. Vara) did not mention several of the contributions to the debate. I wonder whether his failure to mention my speech illustrates his embarrassment that senior politicians in the Conservative party are describing council estates in my constituency as "ghettoes", and that, over wine and canapés, they are—

Mr. Speaker: Order. The enthusiasm of the hon. Gentleman's intervention is equalled only by its length.

Barbara Keeley: My hon. Friend the Member for Islington, North (Jeremy Corbyn) raised a serious issue about the funding for further and higher education. He asked me to pass his comments on to the Secretary of State for Business, Innovation and Skills, and I am happy to do that.

Jeremy Corbyn: I thank the Minister for mentioning that, and for giving way. This is a very serious issue. Will she impress on the Secretary of State that he needs to intervene personally to save those jobs and student places? In no way should the people who are responsible for this mess get off scot-free, yet it is the staff and students who are losing their jobs and courses because of those people's incompetence in the past.

Barbara Keeley: Yes, indeed.

My hon. Friend also raised the issue of step-free access at stations such as Finsbury Park. Transport is also a serious issue in my constituency. I have two very useful friends of station groups—one is Friends of Walkden Station—and I have to say that the notion of moving to step-free access at our station is a dream. I can understand why, if the dream was promised and then taken away, many people would be disappointed. My hon. Friend also raised spoke about the electrification of the Barking-Gospel Oak railway line.

Harry Cohen *rose—*

Mr. Slaughter *rose—*

Barbara Keeley: I want to make progress and see if I can finish, as it is right for me to try to refer to all the contributions.

The next contribution came from the hon. Member for New Forest, East, who referred to the death of Cat Hickman; she was killed in the Camberwell fire and our thoughts and prayers are with her family on their terrible loss. The constituency of my right hon. and learned Friend the Leader of the House is, of course, Camberwell and Peckham, and I know how much she has done—even bearing in mind the pressure at the end of this parliamentary Session—to support her constituents over that incident. I will pass on the hon. Gentleman's comments to her.

My hon. Friend the Member for Hayes and Harlington (John McDonnell) spoke about Heathrow expansion and particularly the bond scheme. He talked about people and families being trapped in blighted properties. We will try to take that issue forward for him.

John McDonnell: I say this more in sadness than in anger—although my Mace days may not be completely over—that, despite my raising the issue for three or four years, neither the Secretary of State nor any other Transport Minister has visited my constituency to meet the people who will lose their homes. Will my hon. Friend yet again take back to the Transport Department the request for a Minister to visit the people whose homes are under threat?

Barbara Keeley: I certainly will.

Several hon. Members *rose—*

Barbara Keeley: I need to move on.

The hon. Member for South-East Cornwall (Mr. Breed) raised the importance of twinning for church groups and others who want to entertain visitors from such a twinned area. I will make the necessary representations to the Minister for Borders and Immigration on the hon. Gentleman's behalf. In common with him, I know how much churches and communities gain from those visits.

My hon. Friend the Member for Stroud (Mr. Drew) raised a number of different issues, including rural communities. He also spoke about violence in a constituency pub that involved the British National party member, Nick Griffin. That is a serious matter. The north-west, particularly Wigan, which adjoins my constituency, has also seen violence around BNP meetings. When it happens, it reveals a very reprehensible aspect of BNP politics; we just cannot have that at all. My hon. Friend also

[Barbara Keeley]

made representations on behalf of a head teacher and other senior school staff against whom allegations have been made. We are keenly aware of the effect that such allegations can have on a person's health, family and career. I think it is a matter of working to ensure that the systems for dealing with such allegations are fair and capable of resolving the issues quickly. I know that my hon. Friend has made the same representations on previous occasions, and I am sure that it has been helpful for him to have made them again tonight. He also referred to two Bills that he had introduced.

The hon. Member for Ribble Valley (Mr. Evans) gave another plug to the all-party beer group, which I suppose we can expect at this time of year. I will refer on his key point about representatives of the emergency services forum wanting to speak to people in government. It is concerning when so many people lose their lives on holiday. It should be a happy time of year and people should not come back from holidays, particularly in Spain, having lost loved ones.

The hon. Member for Leeds, North-West (Greg Mulholland)—*[Interruption.]* He is not in his place; he has obviously decided to go and sample the beer. Perhaps colleagues could pass on to him my response to the issues he raised about the north and the north-west. Leeds was the town I grew up in. The hon. Gentleman said that Leeds needs an arena, but wants Sheffield MPs to keep out of the debate. I should perhaps remind him about a casino in Manchester, in respect of which Leeds got heavily involved. It seems that, over there in Leeds, they need to take their own advice.

I believe that I have touched on most of the issues raised in the debate. If I have missed any out, I will make the necessary representations on behalf of hon. Members.

As we reflect on spending some 68 days working in our constituencies, as well as having the odd fortnight for a summer holiday, I would like to end by thanking all House staff, particularly the *Hansard* writers who make sense of our contributions. If they can make some sense of the debate that we have had tonight, that clearly shows their talent. I also thank the staff of the Tea Room, who keep us all going—

10 pm

Motion lapsed (Standing Order No 9(3)).

Business without Debate

ACCESS TO PARLIAMENT (UNITED KINGDOM MEMBERS OF THE EUROPEAN PARLIAMENT)

Motion made,

That the Resolutions of the House of 30 January 1989 relating to House of Commons Services and 6 December 1991 relating to Access (Former members and United Kingdom Members of the European Parliament) shall cease to have effect insofar as they relate to United Kingdom members of the European Parliament.—(*Kerry McCarthy.*)

Hon. Members: Object.

REGIONAL SELECT COMMITTEE (WEST MIDLANDS)

Motion made,

That Dr Richard Taylor be a member of the West Midlands Regional Select Committee.—(*Kerry McCarthy.*)

Hon. Members: Object.

REGIONAL SELECT COMMITTEE (YORKSHIRE AND THE HUMBER)

Motion made,

That Mary Creagh be discharged from the Yorkshire and the Humber Regional Select Committee and Mr Austin Mitchell be added.—(*Kerry McCarthy.*)

Hon. Members: Object.

REGIONAL SELECT COMMITTEE (SOUTH WEST)

Motion made,

That Linda Gilroy be discharged from the South West Regional Select Committee and Roger Berry be added.—(*Kerry McCarthy.*)

Hon. Members: Object.

PETITIONS

Surface Mining (Shropshire)

10.1 pm

Mark Pritchard (The Wrekin) (Con): I wish to raise an important issue in my constituency—*[Interruption.]*

Mr. Speaker: Order. While I realise that there is a certain joie de vivre among Members—which is much to be appreciated—may I gently ask them to leave quietly? May I also say, by way of a gentle request to the Deputy Chief Whip, that it is a little unkind to intervene from a sedentary position, wittering to a colleague, when the hon. Member for The Wrekin (Mark Pritchard) is addressing the House?

Mark Pritchard: Thank you, Mr. Speaker.

I wish to raise a matter that is of great importance to my constituents in The Wrekin in Shropshire. I am presenting this petition now because this is my last opportunity to do so before the Secretary of State is likely to make a decision. The petition, signed by 500 people, reads as follows:

The Petition of those opposed to UK Coal's proposals for surface mining in Huntingdon Lane and New Works

Declares that the Petitioners oppose plans by UK Coal to re-open historic and new surface mining areas in and around New Works and Huntingdon Lane, believing that the proposals are contrary to current energy policies that are attempting to reduce climate change by moving towards more sustainable forms of energy and which reduce CO_2 and carbon emissions; and further declares that the local environment, ecology, highway network, and the quality of life of local residents will be severely undermined should the proposal go ahead.

The Petitioners therefore request that the House of Commons urge the Government to put a stop to proposals for surface mining in Huntingdon Lane and New Works.

And the Petitioners remain, etc.

[P000408]

Decent Homes Programme (Funding)

10.2 pm

Mr. Paul Burstow (Sutton and Cheam) (LD): Before we break for the summer, I want to raise a matter that requires action by the Government before the end of the recess.

I wish to present a petition on behalf of thousands of tenants in my constituency and that of my hon. Friend the Member for Carshalton and Wallington (Tom Brake), and, indeed, thousands of tenants well beyond the confines of the London borough of Sutton. It relates to the shocking news that decent housing funding, which is there to pay for major renovation and other works, is to be redirected to the construction of new buildings, including new homes.

There should not be a choice between renovation and new build. In the case of Sutton, where £112 million was expected to be available to pay for the replacement of more than 800 antiquated box bathrooms, insulation and other energy efficiency work, and much-needed improvements to plumbing and electricity in many developments, it is really disturbing to learn that the money is to be siphoned off. It comes as a blow to the morale of staff in Sutton Housing Partnership who have been working hard to draw up the plans and prepare for the Audit Commission's inspection this autumn, and has caused a sense of betrayal among the tenants.

The petition reads as follows:

To the House of Commons,

The Petition of the tenants of Sutton Housing Partnership and others,

Declares that the decision to postpone and cut back funding to support home improvement works to meet the Government's decent homes standard will condemn thousands of tenants to a future in poor and inadequate housing while continuing to pay millions of pounds in rent as a negative subsidy to the Treasury.

Further declares that the decision to switch funds from improvement to new build is misjudged and was made without consultation with local authorities, Arms Length Management Organisations or tenants.

The Petitioners therefore request that the House of Commons calls upon Her Majesty's Government not to renege on its promises and stand by their pledge to tenants by fully funding the decent home programme.

And the Petitioners remain, etc.

[P000401]

Storage of Embryos

10.4 pm

Mr. Paul Burstow (Sutton and Cheam) (LD): My second petition relates to an issue of human rights in respect of people who have had life-saving medical treatment but, as a result, become infertile. However, they have made provision to store embryos prior to the treatment so that they are able to have biological children of their own. It cannot be right to force those in such circumstances—those who have embryos stored under the Human Fertilisation and Embryology Act 1990—to destroy those embryos because there is a gap between that Act and the 2008 Act. A statutory instrument before the House at the moment will, I hope, be debated in October. It would be tragic if embryos were destroyed in September and therefore the House did not have a chance to bring its judgment to bear on the matter. I hope therefore that, at the very least, Ministers will act to prevent that destruction prior to the House returning in October. I believe that there should be no destruction at all.

The petition states:

The Petition of people who have embryos stored under the terms of the 1990 Human Fertilisation and Embryology Act and the regulations made there under and others,

Declares that the Human Fertilisation and Embryology (Statutory Storage Period for Embryos and Gametes) Regulations 2009 (S.I., 2009, No. 1582), dated 25 July 2009, a copy of which was laid before this House on 1 July, does not provide for the preservation of embryos whose statutory storage period has expired; is concerned that in circumstances where people have stored embryos under 1991 regulations ahead of medical treatment that renders one or the other of them infertile that the lack of transitional regulations in S.I., 2009, No. 1582 will result in embryos being destroyed against the express wishes of the donor.

Further declares that the Human Fertilisation and Embryology Authority supported the case for allowing people in such cases to have access to further extensions to the storage period.

The Petitioners therefore request that the House of Commons calls upon Her Majesty's Government to bring forward further regulations to allow for the continued storage of embryos for those who actively desire it in order that they might use them to have a family by means of surrogacy and act immediately to suspend the destruction of such embryos where the donors so wish.

And the Petitioners remain, etc.

[P000402]

Gurkha Pensions

Motion made, and Question proposed, That this House do now adjourn.—*(Kerry McCarthy.)*

10.7 pm

Mr. David Drew (Stroud) (Lab/Co-op): I am delighted to have this debate, the last act of the Session. I welcome you to the Chair, Mr. Speaker, and wish you and your family a happy recess. I also welcome the Minister, the Whip and my hon. Friend the Member for Hayes and Harlington (John McDonnell).

This is an important debate and one that has reverberated for some months since the settlement issue was resolved. I have taken an active part in the matter, as the Minister will know. I have asked a number of parliamentary questions and I feature in the accompanying paper from the Library, which is a good backcloth to the issue.

Surprisingly, in some respects, I supported the Government over the settlement issue. I did so because I felt that the motion moved by the Liberal Democrats was opportunistic and did not take account of the full consequences of settlement, principally Gurkha pensions. I did not go gooey-eyed at the thought of having my photo taken with Joanna Lumley, but I took some stick in my local press from people who thought I was unwilling to take the side of the Gurkhas. I am trying to reverse that now by taking forward the argument on Gurkha pensions.

This is an issue that leads to considerable emotion as I found when I met the Gurkha Welfare Society. I thought it was a useful meeting. I also went to see the Nepalese chargé d'affaires in London. There is another reason why I voted as I did. It involves a Member whom I shall not name as he is a good friend of mine who sits on the Opposition Benches. He is a former Gurkha officer and some years ago he expressed the concern to me that if we got this wrong by arbitrarily changing the conditions of service and Gurkha pensions, we could end up doing the very thing we did not want to do: undermine, and possibly destroy, the Gurkha relationship with the British armed forces, rather than sustain it. It was therefore important to find out whether that was likely, and what the repercussions were of the settlement vote.

Things have moved on and some sores have healed, but there is an ongoing worry and growing anger. It is felt that the pay and conditions, and principally the pensions, have to be resolved as a matter of urgency. That was the sentiment of the Nepalese Government representatives and the Gurkha Welfare Society.

I welcome the fact that my hon. Friend the Minister has, in a sense, got his retaliation in first as a letter has been sent to the Members who signed early-day motion 1726, which basically sets out the Government's position—I am not going to pursue that argument now because I am sure the Minister will use his own opportunity to respond to my points. The Government position, if I have got this right, is that the arrangement whereby, pre-1997, the Gurkha pension scheme is the extant method by which people are paid, and post-1997, people move on to the regular armed forces pension scheme, should not be subject to retrospection. The Government feel that legal judgments support their view. They also feel that the pre-1997 rewards to those 36,000 Gurkha pensioners are sufficient because many of them are living in Nepal, and that the process of moving from the old to the new scheme has been relatively painless. They believe that it is only right and proper that the differential is upheld.

I met the Gurkha Welfare Society, and Major Tikendradal Dewan in particular said to me that although they do not want any particular special favours, they want justice, and they feel that the pensions are not right. They refer back to the tripartite agreement between Britain, India and Nepal and the fact that Gurkhas who retired before 1997 are considerably worse off. The crux of the questions I have put to the Government are about the £1.5 billion cost of not only the pensions but of the settlement, and its repercussions for pensions. That figure has been questioned. It is not a cheap option, and now we have gone along the settlement route, we must get the pensions right. I welcome this opportunity to debate the issue. The Gurkha Welfare Society asked me to put in some questions, which I have done, and to seek an Adjournment debate, which I have also now achieved.

The notion is that there is still unfairness because of the 1997 break. Those Gurkhas who received a pension before 1997 receive a much lower pension than those awarded one post 1997, and they feel that that has got to be put right. At present, these 36,000 Gurkhas receive a monthly pension supplement of as little as a sixth, or even as low as an eighth, of that of a UK soldier whom they serve alongside. A Gurkha pension received today by those who retired prior 1997 is about £172 per month for a rank below corporal, and £351 for a lieutenant, which is way below the figures for someone on the armed forces pension scheme.

I know that the argument that the Government advance is that, in the main, Gurkhas have served for less time and have retired earlier, even though these are very brave people who have served this country immeasurably in so many different ways. However, this sore has to be recognised and remedied. Gurkhas feel that it is a form of discrimination and make the point that one of the reasons why they retired earlier and served less time was because that was the expectation. The 15-year limitation was not of their making; it was what the scheme demanded. Many Gurkhas would have liked to have served for longer, but the scheme did not allow them to do so. In addition, many served much shorter times than that and so are particularly disadvantaged.

Contrary to what the Minister has said—I know that he has been to Nepal and I am sure that he will talk about that—former Gurkhas who have retired to Nepal do not have a life of luxury and many face deprivations. As they say—this point has been made clearly to me—one strong reason why so many have to seek alternative employment and take on dangerous jobs in Iraq and Afghanistan is that they do not see themselves having a well-paid future in Nepal. They have, thus, sought to use their military expertise in some of the most dangerous parts of the world.

My final point on this element of my submission is that a penalty is implicitly involved for those who have converted from the Gurkha pension scheme to the armed forces pension scheme: a transfer rate of three to one; for every 15 years on the GPS someone gets only five years on the AFPS. That penalty is discriminatory and is where much of the hurt comes from.

I know that complex arguments are involved here, including those about where the Gurkhas were based. The Gurkha regiment was not necessarily based in this country, although at times in the 1960s there was a regiment here. There was a regiment in Hong Kong until July 1997, and so making comparisons is difficult. However, if we believe in justice and fairness—we have now accepted the settlement issue—we must move on the pension issue. If we do not, we will be penalising the very people who may wish to come to this country and who we are now encouraging to come to this country. They will be coming here on a pension that will not allow them to live in this country on anything other than poverty wages.

John McDonnell (Hayes and Harlington) (Lab): My constituency contains a large Gurkha community; the Hayes Nepalese association has now been formed and it contains at least 500 people. The old patterns of pension payment no longer reflect the pattern of settlement of Gurkhas, as families now want to reunite, even in this country. As a result, some are living on very low incomes.

Mr. Drew: That is the case, which is why I am pleased to have secured this debate, even if it is at this late hour, at the very last moment of this Session. We have examined the settlement issue in terms of the closeness of ties, and we have now identified that that closeness is a strong reason why settlement is allowed, but we must move further on the equality of treatment, particularly pension treatment. The comparison with India and those troops from the Indian part of the tripartite agreement is also worth dwelling on for a moment. The Gorkhas—the Indian equivalent of the Gurkhas—were similarly disadvantaged because there was, again, a break pre-1997. Interestingly, India has recognised that that break is wrong and I understand that it now treats those who retired before that date in the same way as it treats those who retired thereafter. That makes a significant difference, and there has always been an understanding that that is right in that case, so I ask the Minister why that does not apply to the Gurkhas. It is causing hurt among those who have retired as well as to later generations, because Gurkha servicemen do not think, "Oh, we're all right and our predecessors do not matter." This matters to one and all in the Gurkha community and to many others in Nepal.

I ask the Minister to look again at this issue. I am sure that he will say that the law is clear, and there have been judgments that would allow the Government to feel that the 1997 break is the right place for the differential to be imposed. But that is not the view of the Gurkha community, and it is certainly not the view of the Gurkha Welfare Society, which has raised this with me and other hon. Members.

It is not only a question of money. There is an argument about what this would cost. If many Gurkhas came to settle in this country, fewer resources would be available for Nepal. The Nepalese Government representatives have made it clear that it is up to the individuals to make their minds up where they wish to reside. As long as they receive support when they are living in Nepal, the Nepalese Government will be satisfied, but if people choose to resettle in this country, they have to be compensated for the higher cost of living, and that can be done only if they have a decent pension.

The Gurkhas are a key part of the British armed forces, and we wish that to remain the case. But there is an ongoing feeling of unfairness. This will not go away even if the settlement issue has been resolved. I ask my hon. Friend to look carefully at what is being said, how this can be funded, to talk directly both to the Gurkha Welfare Society, which is the advocate for the Gurkhas, and to the Nepalese Government—who support the Gurkhas who choose to live in this country and those who choose to live in Nepal—and to provide the wherewithal so that we can resolve this situation once and for all.

10.22 pm

The Parliamentary Under-Secretary of State for Defence (Mr. Kevan Jones): I congratulate my hon. Friend the Member for Stroud (Mr. Drew) on securing tonight's Adjournment debate on Gurkha pensions, which gives me an opportunity to explain what the Government are doing for Gurkha pension arrangements and explode some of the myths that surround them. Unfortunately, my hon. Friend has repeated some of those myths tonight.

The Government recognise the debt of honour that we owe the Gurkhas, their bravery and the contribution that they have made not only in current operations but in the first and second world wars, as well as their proud tradition of contributing to the security and safety of our country. We need to recognise that the issue of Gurkha pensions cannot be taken in isolation from other pension arrangements for either the British armed forces or other public servants. Gurkha pensions are part of a wider package of terms and conditions of service that were designed to recognise and reward the dedication to which I have just referred. Many high-quality recruits come forward every year to enter the Gurkha regiment—typically 17,000 for 2,000 places. A place in the Gurkha regiment is highly prized by families in Nepal.

In general, pension schemes need to recognise the service given by individuals in their occupations, and that is what the Gurkha pension scheme has done for successive generations of Gurkhas. I want to dispel one myth. I was in Nepal earlier this year, and I know that the pension provides a comfortable retirement income. To describe Gurkha pensioners as living in poverty or deprivation could not be further from the truth. I met many of them when I was in the country, and I can tell my hon. Friend that their standard of living is very high compared with that of many of their fellow citizens. I shall say more about that later.

Before I explain the position of Gurkha veterans, it is important to dispel some myths surrounding the GPS. It cannot be separated from other pension schemes, including the current and previous schemes for our armed forces. It has been the policy of this and previous Governments that the terms and conditions of pension arrangements cannot be changed retrospectively after people leave public service. That is true for the GPS and for the pension schemes covering the armed forces and the public sector as a whole. The GPS cannot be treated separately so I shall deal with it in detail because, when we talk about "equalisation", we must understand what that means in practice.

Let us be clear—under the GPS, all Gurkhas with service after 1997 now enjoy the same terms and conditions as their British equivalents. We are therefore talking

[Mr. Kevan Jones]

about veterans who retired before 1997 and comparing their scheme with that of their contemporaries with the same period of service.

The GPS pays a pension after a rifleman has completed 15 years' service, so a man who joins at the age of 18 can retire at 33. In contrast, the armed forces pension scheme 1975 does not pay a pension until age 60 for other ranks with fewer than 22 years' service. That covers the majority of British veterans, and means that most Gurkhas receive a significant pension value before equivalent British soldiers receive anything at all.

My hon. Friend was right to say that, by the time they reach 60, Gurkhas receive lower monthly pension payments than their British counterparts. However, Gurkhas soldiers will have received some 27 years' of annual payments by that point, whereas their British equivalents will have received none.

In any scheme, the earlier pensions are drawn, the lower the annual payments will be. Nevertheless, the reality is that a Gurkha who reaches 60 will generally have received at least as much pension value as a British soldier with an identical period of service, if not more.

For example, a Gurkha rifleman who retired in 1994 at age 33 will have received some £61,000 in pension payments so far, at 2009 prices. In comparison, a member of the armed forces pension scheme 1975 who is the same age will not have received any pension yet. When both turn 60 in 2021, the Gurkha will receive an annual payment of £2,900, whereas his British equivalent will start getting £5,700 a year. That is assuming that the retail prices index in both countries is the same, although in fact the rate in Nepal is, at 14 per cent., much higher than here. As I announced earlier this year, we have increased Gurkha pensions in line with that rate so, based on those figures, the British soldier would never catch up with his Gurkha equivalent.

The crossover point, when a British veteran's pension is significantly better than that of a Gurkha, is generally at senior NCO level. If we agreed to equalisation, the only significant improvement would be for a relatively small group—about 10 per cent.—of officers. It is not the case that equalisation of the pension would benefit the majority of Gurkhas.

The Gurkha pension provides a good standard of living in Nepal. The figures look low in comparison with Britain, but £172 a month is equivalent to the salary of a doctor or chief of police in Nepal, and more than is paid to a Member of Parliament there. A British soldier who served less than 22 years before 1975 receives no pension at all. Many Members have championed the cause of people who served 21 years before 1975 and received no pension.

On my hon. Friend's point about a special case for the Gurkhas, yes, we are making a special case, in terms of the UK equivalent: whereas a Gurkha on the GPS is eligible for an immediate pension after only 15 years, his UK equivalent is not. When we talk of equalisation, we need to be very clear about the fact that in most circumstances a Gurkha veteran's pension is at least as good, if not better, over the whole life of the pension, than his British counterpart's. If we transferred the Gurkhas to the equivalent of the 1975 or the 2005 scheme, they would not be significantly better off, as I explained last week when I met the British Gurkha Welfare Society. The society has put out some misinformation about costs and I asked for clarification.

Mr. Drew: That argument presupposes that most Gurkhas want to stay in Nepal. The settlement issue now implies that many Gurkhas will want to relocate to the UK, which is where the problems start.

Mr. Jones: I shall return to that point, as I want to talk about equalisation.

Our estimates are that it would cost about £1.5 billion over 20 years to equalise pensions, yet only 10 per cent. of Gurkhas would be beneficiaries. The British Gurkha Welfare Society says that we have been scaremongering and that our figures are wrong, but its figures are higher. I pointed out that its briefing notes for Members of Parliament showed that the figure would be £126 million, but failed to indicate that that was per year. Actually, the figure would be considerably higher than the £1.5 billion that we estimate and, as I said, only 10 per cent.—mainly in the officer class—would benefit.

It has been said that we are not talking about retrospection, but we are. We are being asked to change the agreements and conditions under which individuals joined the scheme. We have never operated pension schemes in that way in this country and it could open up other schemes to such an approach.

To return to my hon. Friend's point about settlement, I was concerned about the suggestion that we were changing the pension arrangements to stop people coming to the UK. In the debate, I made the argument from the Dispatch Box that when I visited Nepal earlier this year, it was apparent that most Gurkhas did not want to come to the UK. What they wanted was pensions. I am sorry, but people cannot have it both ways. They cannot argue that they want to settle in this country and then argue that if increased pensions were paid, they would stay in Nepal.

I know that my hon. Friend has had talks with the Nepalese Government, as I have. My concern is that we would be taking about £56 million out of the Nepalese economy if we changed the arrangements in any way. I still think that that would be a consequence of large numbers of Gurkhas settling in this country. It is not consistent to argue that we should introduce changes to stop people coming to the UK, when only a few weeks ago it was argued that we should give them rights of settlement in this country. We are working with welfare organisations to make sure that the settlement process is put in place. I am pleased that that work is being carried out with the Gurkha Welfare Society and others.

If there is a message that should go from the Dispatch Box tonight to Nepal, it is that I want people who decide to come and settle in the UK to make that decision on the basis of the full facts. They should not come here thinking that the existing pension that they have secured will buy a good standard of living here. What appals me is that certain organisations—not the Gurkha Welfare Society, which is a responsible organisation—are taking money and encouraging people to come to this country on the basis of false information. That is very worrying.

In conclusion, the issue has been before the High Court on a number of occasions and has been legally challenged. In the debate a few weeks ago, the previous Home Secretary, the Home Affairs Committee and the

chair of the all-party Gurkha group all made it clear that immigration rights and pensions are two separate issues. We continue to argue that the arrangements that we have put in place for Gurkhas are fair and give a good standard of living to Gurkhas in Nepal. When I was there—

10.37 pm

House adjourned without Question put (Standing Order No. 9(7)).

Westminster Hall

Tuesday 14 July 2009

[MRS. JOAN HUMBLE *in the Chair*]

Health Care (Shropshire)

Motion made, and Question proposed, That the sitting be now adjourned.—*(Mr. Heppell.)*

9.30 am

Mr. Philip Dunne (Ludlow) (Con): It is a great pleasure to serve under your chairmanship, Mrs. Humble. We know each other from our work on the Select Committee on Work and Pensions in years gone by.

I am particularly pleased to have this opportunity to review with the Minister the state of health care in Shropshire. I will mostly discuss the facilities in my constituency of Ludlow, but I will touch on the county's wider health care economy. I am delighted to see so many colleagues from Shropshire here today. I will, of course, be pleased to accept their contributions, which may be more focused on the acute hospitals in their constituencies, whereas I will focus mostly on the community hospitals in mine.

I begin with a slight sense of déjà vu. One of the first Westminster Hall debates that I was fortunate to secure in the year following my election to this place was on the same topic of health care services in Shropshire. That debate was held on 25 January 2006, during the period in which I was helping to lead the campaign to save all three community hospitals in my constituency, which faced the real threat of closure because of severe financial deficits in the local health care economy.

I fear that we are in danger of coming full circle, because after a couple of years of getting NHS finances in Shropshire into balance, the county again faces a severe deficit. However, before I turn to those issues and look to the Minister for some answers, I would like to touch briefly on some positive achievements in Shropshire health care since those dark days.

I recall a cold, wet Saturday morning a couple of weeks before that debate in early 2006, when I led a march of more than 4,000 people from a rally in the castle grounds in Bridgnorth to the community hospital, which was threatened with closure. Within two years, Bridgnorth community hospital had been transformed, with the opening of a new wing re-establishing the maternity unit with additional out-patient services and clinics. The hospital's manager, who oversaw that significant redevelopment, has just been promoted, and rightly so—Bridgnorth's loss will be Wolverhampton's gain. I place on the record my thanks to her and to the Bridgnorth general practitioners, particularly Dr. Pam Yuille, who campaigned so hard to ensure that that development went ahead. The town's GP practice has also been relocated to a new purpose-built health centre adjacent to the hospital, with improved parking and access for the GPs to in-patient beds next door.

On the same day in January 2006, some 2,000 people marched through the streets of Bishops Castle to demand that Stone House community hospital should be saved. This was a much tougher fight for lots of reasons, not least because of divisions within the community that we resolved in part through the establishment of the Bishops Castle Stone House forum, which I was pleased to chair and through which Shropshire County primary care trust and all interested groups in the community could work together to support refurbishment of the hospital, which I am pleased to say is under way.

Shropshire County PCT, led by its responsive chief executive Jo Chambers, is investing some £1.2 million in that major refurbishment, the first phase of which took place in 2008-09, with an upgrade to the roof and new windows. In the completed project there will be a new main entrance and much-improved reception area, 16 in-patient beds, of which four will be en suite single rooms, and a significantly expanded out-patient and ambulatory care zone, which together will enable an extended range of GP, nurse and therapy-led clinics to be delivered locally.

The redevelopment will occur in two phases. The first phase, which commenced last month and will end in October, will mainly refurbish the in-patient areas and the second phase—from November, concluding in March 2010—will focus on out-patients and the ambulatory physiotherapy areas. During the refurbishment, existing services continue to be provided locally, which is critical given the physical isolation of this very rural population, which is served by the community hospital.

There will be 10 in-patient beds remaining available throughout the build period and out-patient clinics will be moved temporarily to the Bishops Castle GP practice, although physiotherapy will remain on the site. One of the 16 in-patient beds will be a bespoke palliative care patient room with an adjoining relatives' room and shared access to a walled garden outside. This will become increasingly important as the ageing demographic of the area places greater demands on end-of-life care. I will return to that in a moment.

This has been a real community effort, with significant input to the design of the facilities by local GPs and hospital staff, and fundraising for equipment organised by the hospital's league of friends and staff, who, with the PCT, have secured Department of Health-King's Fund funding through the Enhancing the Healing Environment programme, which the Minister will be familiar with. I shall single out a local GP, Dr. Adrian Penney, who raised some £10,000 for this palliative care scheme by participating in the five peaks challenge last year. Those people are all to be congratulated, and those are the two main success stories in my part of Shropshire in recent years.

Lembit Öpik (Montgomeryshire) (LD): I congratulate the hon. Gentleman on securing the debate. Does he agree that the experiences that he has described are a role model for what could be done on my side of the border, right next to him, to carry on supporting the operations of Welshpool, Machynlleth, Llanidloes and Newtown hospitals, all of which have been threatened with closure at certain times? He has proved that a proper strategic initiative, led by him and supported by local people, supports local health services and is ultimately cheaper than shutting local services down and sending people to district hospitals.

Mr. Dunne: I am grateful that the hon. Gentleman has joined today's debate, not only because we share a border—some of his constituents will take advantage of

[Mr. Dunne]

the facilities in Bishops Castle, because it is adjacent—but because Shrewsbury hospital is the main acute centre for his constituents. We share a lot of health issues in Shropshire and across the border into Wales, but although he is right in saying that it is important that the local community get together and work with the local commissioner, I suspect that the Welsh Assembly plays an important role with regard to his constituents.

Mark Pritchard (The Wrekin) (Con): I would like to say well done to my hon. Friend on securing the debate. Acute hospitals have been mentioned. Given Shropshire's growing population—on the Welsh border side of the county, on the eastern side and on the south-eastern side, where that affects his constituents—is it not vital that the acute hospitals retain their 24-hour, seven-days-a-week accident and emergency facilities, particularly the paediatric unit at the Princess Royal hospital? Does he agree that it should not just have a sign over the door showing that it is open 24 hours a day, seven days a week, but should deliver consultants and doctors throughout the night so that his constituents, and mine on the eastern side and in central parts of the county, are not rushed, under threat and by blue light, all the way over to Shrewsbury?

Mr. Dunne: My hon. Friend makes an important point, particularly for his constituents, who have the benefit of the Princess Royal hospital, with its A and E unit.

I will mention some of the pressures that the whole county is placing on the two A and E units, because it is clear that there has been a significant increase in A and E usage and I would be interested to hear the Minister say whether that is a national problem or one that can be solved locally, perhaps through more efficient processes for helping people to get out of the acute hospitals, freeing up beds to help to address some of the problems in A and E.

Let me mention some of the difficulties. There are three primary challenges to health care in Shropshire, particularly in my part of the county, which I urge the Minister to address in his speech. Four years ago the financial deficits in Shropshire were centred on the acute hospital trust, which had racked up more than £34 million of deficits under its previous management. The current chief executive, Tom Taylor, and his team have done a good job in turning around the fortunes of Shrewsbury and Telford Hospital NHS Trust, which is working hard to achieve its goal of foundation trust status with the aim of submitting an application for that status by the end of the year.

Active financial disciplines have been introduced so that from peak losses of some £12 million annually, the trust is on track to generate in the current financial year its second successive surplus of £4 million from an income base of some £247 million—just over a third of the total spent in the county by the NHS. A consequence of restructuring the acute third of Shropshire's health care economy has been to shift the financial deficit from the acute trust to the commissioners, primarily Shropshire County PCT, which will have a deficit of £11.5 million in the current year if no action is taken.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): I agree with my hon. Friend about progress on reducing the deficit, but does he agree that a large part of that deficit resulted from the previous chief executive, who submitted a fake CV and had inappropriate qualifications for being a chief executive? When I tackled the then Secretary of State for Health about the matter, I was told that not everyone's CV can be checked. I hope that my hon. Friend agrees that the Government have learned from what happened in Shropshire and that the CVs of those who apply to become chief executives of trusts will be better scrutinised.

Mr. Dunne: My hon. Friend raises two important points. One is that due diligence when recruiting for senior health service posts has had to improve, and it has. Secondly, a more fundamental point is that under this Government NHS restructuring has given rise to the opportunity for administrative chaos, which unfortunately beset Shropshire in the Government's earlier years. In 10 years, they have introduced nine complete reorganisations of how health care is administered in this country. With such dramatic changes at all levels in the health service, it is not surprising that there were management failures.

When some 300 PCTs were introduced more or less overnight, the Government had to find suitably qualified managers to manage each PCT and acute trust. They found that challenging, and one of the worst examples of poor recruitment occurred in Shropshire's acute trust. That problem is behind us, and I hope that the Government have learned how to recruit and how to minimise reorganisation. I believe that reorganisation is off the agenda for the time being, which is very welcome.

On the specifics of the deficit, first, it is not yet crystal clear to me how the deficit has arisen, but we have been told by PCT management that some £4.5 million of the £11.5 million annual deficit relates to what it describes as legacy issues in the contract with the acute hospitals relating to underlying demand. I think that is code for difficulty in assessing the tariff introduced through payment by results in relation to the actual cost of the procedures performed, or difficulty in estimating the demand for service involved with moving from one system to another. It is not clear exactly what it means.

The second aspect, which is more identifiable, is that some £2 million of cost from new investments in key service developments—in upstream interventions and preventive services—has helped to contribute to the deficit.

The third aspect, and the one for which the Government have most responsibility, is the introduction of the national payment-by-results tariff, which directly increased the contract between the PCTs and the acutes by some £4.5 million for no additional activity. The deficit is being shunted from one side of the health care economy to the other. Is the movement of resources from one side to the other—from primary to secondary, or vice versa—indicative of a national problem? If it is local to Shropshire, will the Minister give some guidance on how it can be resolved and whether experience from other areas can be brought to bear?

Another significant issue relates to capacity constraints in the Shropshire health care economy, most of which result from Shropshire's peculiar demographics. The Minister, who comes from an almost neighbouring

constituency, will be familiar with the attractions of Shropshire as a place to live. We benefit from significant inward migration of retired people. The county has an above-average population of over-65s and an above-average and increasing population of over-85s. That is significantly above average in my constituency in the southern third of the county. At the last count, almost 25 per cent. of the population was over 65, and the proportion of over-85s is rising rapidly. That inevitably puts demands on our health service that commensurately affect other areas with less.

One of my concerns, which has been highlighted in material provided by some of the GPs who have contacted MPs in recent weeks, is that a lack of recognition of the demographic challenge in allocating funds from the Department of Health to providers around the country is giving rise to a significant shortfall in funding. Dr. Rummens, chairman of Shropshire's local medical committee, wrote to me and other Shropshire MPs, suggesting that Shropshire County PCT is underfunded by 3.8 per cent., calculated using Government's own fair shares formula, which is equivalent to some £15 million of relative underfunding. The Minister will recall from what I have just said that that is more than enough to cope with the deficit that has been identified in the PCT this year.

What is the Minister doing about the fair funding formula, and can he offer any encouragement to Shropshire that it may receive a better reflection of the challenges posed by the demographic circumstances when looking forward to funding formulae in the next comprehensive spending review? I realise that he is relatively new to his post and that he may not be in post when the allocations are made, but I look forward to his response.

To illustrate how capacity constraints are affecting Shropshire—this picks up a point made by my hon. Friend the Member for The Wrekin (Mark Pritchard)—demand for accident and emergency services reached unprecedented levels in 2008-09, with some 3.7 per cent. more emergency admissions during the year than during the previous year. There has been a 30 per cent. increase in ambulance transfers to the Princess Royal hospital in Telford, compared with a 6 per cent. increase in ambulance transfers to the Royal Shrewsbury hospital previously.

We recently had a briefing from the management of the acute hospital at one of the Shropshire MPs' regular quarterly sessions, which the hon. Member for Montgomeryshire (Lembit Öpik) also attends. Their analysis suggested that clinicians felt that, at any one time, up to 60 patients in the two acute hospitals did not require the specialist care offered by those hospitals and could have been cared for in rehabilitation beds in community hospitals. There is a shortage of rehabilitation beds in the two major conurbations in the county—Shrewsbury and Telford—because their provision comes through the acute hospitals. The community hospitals are located in the smaller, outlying towns. There are three in my constituency, two of which I have mentioned already.

There has been pressure on the community hospitals to shrink the number of beds to find efficiency savings. There is pressure on the acute hospital to provide somewhere for patients to be released to once they have undergone treatment through A and E or regular admission. The solution that the acute hospital would like to put in place to deal with the problem of bed blocking and throughput through the hospital is to introduce a further 30 rehabilitation beds in Telford. I am sure that the hon. Member for Telford (David Wright), were he here, and my hon. Friend the Member for The Wrekin would welcome the addition of rehabilitation wards in their community, but so would we elsewhere in the county, because one problem that flows from the pressure on space is that it clogs up the admissions process throughout the system.

We have also been told by Dr. Rummens that we suffer in our acute hospitals from many of the same problems that we read occur elsewhere in the country, with patients being unable to be admitted through A and E, partly to ensure that the A and E departments meet their target waiting times, but partly because of the bed blocking problem elsewhere in the hospital, to which I have referred. In his letter of 7 May, he said that one of his colleagues, a GP in the Shrewsbury area, said:

> "Last time I did a Shropdoc session there were 24 patients waiting to get into the Medical Emergency Centre, many of whom were waiting in ambulances that were not allowed to unload the patient".

We read about that in national newspapers from time to time. I have never before heard a Shropshire GP giving hard evidence that it is happening in our county now. I think that the reason for it is, as I said, that there are not enough rehabilitation beds—step-down beds—in the county at times of intense pressure. Of course, the pressures at this time of year are somewhat less than they normally are in the winter. We have been told that Shropshire, mercifully, has not suffered a significant number of hospital admissions because of swine flu. That does not appear to be giving rise to the pressure. I think that it has more to do with the demographic factors to which I referred.

The importance of rehabilitation beds and the role that the community hospitals can play in providing a step down from acute care is my third and main point. It relates to the third community hospital in my constituency—the hospital at Ludlow. I should like to take the Minister back to that Saturday in January 2006 when, after marching in Bridgnorth in the morning, I sped across my constituency—well, I travelled across my constituency within the speed limit, of course, but quite rapidly, because I had to get from a morning march to an afternoon march in Ludlow. Some 4,000 people assembled in Castle square and marched through the town to a rally at St. Peter's church, opposite the community hospital in Ludlow. That was in reaction to the threat, which was even more real in that case, posed to their hospital. Although we managed to save the hospital from closure, we could not prevent the closure of the mental health ward there.

The community has subsequently worked painstakingly with the PCT—particularly through the league of friends, which has been ably led by Mr. Peter Corfield as chairman, and the careful work of the two GP surgeries, led in this regard by Dr. Dorian Yahram and Dr. Graham Cook—to encourage the PCT to place the redevelopment of Ludlow community hospital at the top of its priority list. The hospital continues to work from a site that includes the listed administration block, which was formerly the Victorian poorhouse in the town. It is disparately set out on a constrained site, with buildings that were perhaps fit for purpose when they were constructed—in

[Mr. Dunne]

some cases in Victorian times and in other cases in the 1950s and '60s. There is no doubt now in the PCT's mind that Ludlow is its top priority for redevelopment.

We received considerable encouragement from the West Midlands strategic health authority, whose chairman Elisabeth Buggins and then chief executive Cynthia Bower, who has, of course, moved on to dizzier heights in the Department of Health, visited the hospital at my invitation 18 months ago and endorsed the proposals put together by Shropshire County PCT for a redevelopment to take health care facilities into the 21st century. The PCT and local clinicians on the ground were encouraged to develop a vision that would provide an innovative plan for integrated health care services as envisaged under the White Paper, "Our health, our care, our say: a new direction for community services".

The plan that has been put together is innovative in a number of ways, not least in that it is built around co-location involving the two GP surgeries, both of which have their own constraints: one has no space at all—even its filing area is shared with a broom cupboard—and the other has also run out of capacity. They will be co-located with the hospital. A site has been identified and work has gone so far as to include the inevitable, as it is these days, bat survey to ensure that the development of the site does not disturb the resident bat population in the fine line of oak trees that borders the site. That illustrates the extent to which plans are well advanced. We had been given every encouragement by the PCT to believe that that was something that it wished to proceed with, and there had been every suggestion by the SHA that it was the SHA's top priority project for a community hospital redevelopment in the west midlands. I was under the impression that those plans—the outline business case—had been presented by the SHA to the Department of Health. It seems as though the Department decided to put the onus on the SHA to take things forward.

The primary source of funding for the proposal, which has not been costed to the last quote at this point, because it was an outline business case, was a £30 million scheme. A sum of £30 million for a community the size of Ludlow was quite a big ask, and we in the community were somewhat concerned about where the funding would come from. We were therefore greatly relieved when the then Secretary of State, the right hon. Member for Leicester, West (Ms Hewitt), made an announcement in the House on 5 July 2006. The *Hansard* reference is volume 448, columns 816 to 832. In her statement on community hospitals, she announced the establishment of the community hospital redevelopment fund. She said that a £750 million fund would be available over a five-year period. If I may, I shall quote from her speech, because it has come to light that the prospects of using that fund, not only for the community of Ludlow but for the county's PCT and the SHA overall, appear to have been stymied by the fund having been terminated, although that word has not yet been used by a Minister. I am looking to this Minister to give us some reassurance on the fund's precise status. In her speech announcing the fund, the then Secretary of State said that the Government would make available

"up to £150 million of capital...in each of the next five years, starting this year—a total of up to £750 million—for the development of a new generation of community hospitals and services."—[*Official Report*, 5 July 2006; Vol. 448, c. 816.]

That speech was given in 2006, so the words "starting this year" suggested that there might be some spending in 2006-07 and that there would certainly be some in 2007-08. We are now in the middle of 2009, and we had a reasonable expectation that some of the money, which had been specifically set aside from the Department's capital budgets, would now be available.

In a parliamentary question in December 2008, I asked how much of the money had been spent, and I received a written answer saying that £248.1 million had been committed by the end of 2008—18 months after the scheme had been announced. Again, that gave those of us in Ludlow who were concerned about the issue some comfort that money was being allocated and spent, and there was evidence in the answer that I received that buildings were starting to come out of the ground all around the country.

Hon. Members can imagine our surprise, therefore, when Shropshire County PCT received a letter from West Midlands SHA on 1 May, stating:

"Andy Stubbing, Head of Capital and Revenue Investment Branches at the Department of Health, has said that 'the Treasury is unlikely to agree further releases of funding for this programme.' Instead SHAs will have to apply for funding through PFI schemes"—

private finance initiative schemes. That came as a bit of a bombshell to us: although we could look at PFI schemes, and a great deal of work is going on to consider LIFT—local improvement finance trust—and Express LIFT, as well as other schemes that the Department is encouraging, we were under the impression that the community hospital redevelopment fund was there precisely to fund the sort of projects that we had proposed with the blessing of the NHS hierarchy.

I raised the issue with the present Secretary of State during the Second Reading of the Health Bill on 8 June, which was his first working day in office. I did not therefore expect him to give me an instant answer, and he admitted that he could not do so, but he did agree to write to me. True to his word, he did so, which was helpful—or it appeared to be. Just before I received the Secretary of State's letter, I received another from the Minister of State, Department of Health, the hon. Member for Lincoln (Gillian Merron). In her letter, which is dated 22 June, she said:

"I can however assure you that there are no plans to remove funding from the Community Hospital Programme."

Being a relatively new Member, I took the view that a letter from a Minister of State saying that there were no plans to remove funding from the programme was quite a positive indication that there had perhaps been some mistake. The Minister of State's letter appeared directly to contradict what the SHA had told the PCT, and that appeared to be good news.

I then received the Secretary of State's letter, which is dated 22 and 23 June—I am not quite sure when it was sent. He made two points that are of interest. First, he referred to his predecessor's original announcement, saying:

"The £750 million was assumed to be required across a period of five years or so, spanning the CSR 2007 years, 2008-09, 2009-10 and 2010-11, and subsequent years for which"

the Department of Health

"has yet to receive an indication of capital resources from HMT"—

Her Majesty's Treasury. That is a slightly different way of describing what his predecessor had described as a £750 million programme starting in 2005-06. The current

Secretary of State is suggesting that the programme is meant to run from 2008-09, whereas we know from his predecessor's answer in *Hansard* that the money was already committed in 2007-08. The current Secretary of State is trying to introduce a bit of wriggle room to suggest that the programme is being backdated, rather than front-loaded, which is what was apparent from what had been said before.

The second thing that the Secretary of State said in his letter is also important:

"HMT approval for additional funding would be unlikely because of the current pressures on the Department's capital settlement. However, that does not necessarily mean that 'no more funds would be made available'"—

that is a quote from my letter to the Secretary of State—

"but that future access to the funds would be determined by HMT."

There you have it. On 22 June, one Minister says that there are no plans to remove funding from the community hospital programme. Then, probably on 23 June, her boss says that future access to the funds will be determined by the Treasury. Either we have a community hospital redevelopment fund that has funding or we do not. The Minister would do the country a service if he could clarify whether there is any money in the pot and, if so, whether we can have access to it. If not, let us come clean and establish that there is no money, and those of us who are working hard to come up with schemes to improve health facilities in our constituencies can focus on that.

The Minister of State, Department of Health (Mr. Mike O'Brien): Will the hon. Gentleman confirm that the penultimate sentence in the letter from my right hon. Friend the Secretary of State says:

"However, that does not necessarily mean that 'no more funds would be made available', but that future access to the funds would be determined by HMT"?

In other words, there is funding, but there needs to be HMT approval for it. The hon. Gentleman is making a mystery of something that seems very straightforward.

Mr. Dunne: I am grateful to the Minister for paying attention to what I was saying—that is precisely the sentence that I have just read out to him. Two years ago, the Secretary of State's predecessor said that £750 million was available and that the capital would be spent at the rate of up to £150 million a year

"in each of the next five years, starting this year".—[*Official Report*, 5 July 2006; Vol. 448, c. 816.]

That is where the problem lies: one Secretary of State has said that money is available, while a subsequent Secretary of State has said, "No, there isn't."

I had actually brought my remarks to a close. I look forward to the Minister picking up this issue in his winding-up speech.

Several hon. Members *rose*—

Mrs. Joan Humble (in the Chair): Order. Three hon. Gentlemen are seeking to catch my eye. I advise them that I hope to call the Front-Bench spokespeople at 10.30 am. If hon. Members take that into account in their contributions, I hope to be able to fit everyone in.

10.8 am

Mr. Owen Paterson (North Shropshire) (Con): It is pleasure to serve under you, Mrs. Humble, and I will be as brief as I can.

I congratulate my hon. Friend the Member for Ludlow (Mr. Dunne) on securing the debate. As he said, this is the second such debate—there really is a sense of déjà vu and continuity. At the time of the previous debate, we went to see the then Secretary of State, the right hon. Member for Leicester, West (Ms Hewitt), for a private meeting. We actually congratulated her on parts of her White Paper and pressed her—this was confirmed in letters—to stick to the proposals on community health. We strongly supported those proposals. Indeed, I led a march through Whitchurch while my hon. Friend was marching around his constituency on behalf of community hospitals.

Let me give one example of what we are talking about. Some 75 per cent. of diabetic patients in Shropshire are treated by GPs, while 75 per cent. of diabetic patients in Birmingham are treated in district general hospitals. Our doctors reckon that there would probably be about a 20 per cent. saving if their GP practices could be enhanced with more facilities.

The Government came up with a White Paper, and I do not want to embarrass the Minister, but the then Secretary of State made the following useful statement:

"community facilities that are needed for the long term must not be lost in response to short-term budgetary pressures. So we will expect primary care trusts to reconsider such proposals against the principles of the White Paper."—[*Official Report*, 30 January 2006; Vol. 442, c. 24.]

We were assured at the time that funds would be there for such community projects.

There has been expansion of GP practice facilities in Market Drayton, and I have been heavily involved in the expansion at Oswestry, which is going ahead. I should like the Minister's assurance that the funds that PCTs were assured of, for the GP practice extensions, will continue. I am not asking for any more money; those moneys were promised. I want to name two practices in particular. I took doctors from the Ellesmere and Wem practices to see the present Minister for Regional Economic Development and Co-ordination when she was a Health Minister, and she made all the right noises about community care. Three years further on I should like assurances that the funds are there for the PCT.

With respect to Ellesmere, the White Paper called for collaboration with the local authority. Before it was dissolved into the new unitary authority, the outgoing North Shropshire district council bought the ground. The population in my constituency is expanding, and, as my hon. Friend the Member for Ludlow has said, ageing, so I should like to know that the funds set aside at the time of the White Paper are available for the extensions. I think 18 practices across Shropshire have been allocated priority, but the two that I would pick out would be Ellesmere and Wem.

Will the Minister confirm how the NHS funding formula works? My hon. Friend touched on it, but as I see things there is a lag in Shropshire. We have an increasing population, because of people moving in, but it is also an ageing population, and I should like an explanation of the notion of distance from target. I

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understand that that is about an amount that an area is deemed to warrant, under a formula, but does not yet receive, on the understanding that the target figure is to be worked towards, over the years. For counties such as Shropshire the delay in reaching that fair-share allocation can represent a significant current shortfall. Combined with particular financial pressures in commissioning services, given the elderly population that I mentioned, in a large and thinly populated rural area, that can cause the PCT problems. I reiterate that I am not asking for more money—the moneys I am talking about have been allocated, but there seems to be a drag in the system.

To cheer the Minister up I shall move to some good news, which is that I am happy to have the jewel in the crown of Shropshire health care in my constituency. That is the Robert Jones and Agnes Hunt orthopaedic hospital, which is a shining example of how health care can be provided. I was chomping through my drearily healthy breakfast about a year ago when I saw a list of hospitals that had been rated by the Healthcare Commission. I was not surprised, but delighted, to see that the orthopaedic hospital came top, with a score of 92 out of 100, on a range of scores. It had a higher score than any other trust nationally on four questions, and it was the top scorer in six out of eight headline categories across the west midlands. The key thing is that it has got its costs down by about 10 per cent. in the past couple of years. Above all it has zero MRSA—there is no MRSA there, despite an enormous increase in its activity. It employs 1,200 people and £80 million goes to the local economy; it is the biggest organisation near Oswestry. It is a very successful organisation, and is critical for the local area.

In addition there is charity work, which I think is rare in the NHS—I should declare an interest for my involvement in the Institute of Orthopaedics. That has led to the building of the Leopold Muller centre. A couple of weeks ago I went round the Torch centre, which probably has the most sophisticated gait laboratory in western Europe, which deals with the treatment of children with acute spina bifida or muscular dystrophy. That is at the crossing point of medicine, mechanical engineering and physics. I do not entirely understand it, but I enormously admire the work that is done there. An application has been made for national designation for muscular dystrophy services, and I wonder whether the Minister can clarify when that may come through.

The trust has cleared its debts and is now pressing on to foundation status; that goes back to my meeting with the right hon. Member for Leicester, West. I hope that it will happen in the next 12 months. The process has been dragging on.

What seems to be the sticking point is the fact that there are probably only four top orthopaedic hospitals in the country that can do revision operations; they rework operations that may have gone wrong or may not have been quite so skilfully done in other hospitals. That is immensely complex and difficult work. About 1,000 such operations a year are done there. Only the Nuffield orthopaedic centre in Oxford, the Royal orthopaedic hospital at the Woodlands in Birmingham, the Royal National orthopaedic hospital at Stanmore in London, and Wrightington hospital, which happens to be in the Secretary of State's patch, can carry out such operations.

There is haggling about the tariff. It was increased last year, but the operations are so complex and difficult that there is still a problem, and that might be a block in the quest for foundation status. What are the Minister's proposals on that? It would, bluntly, be humiliating for the country if those operations had to be conducted abroad, which might be an option if the hospital could not afford to carry on doing them. It is the cutting edge of medicine. As before, I am not asking for more money. The trust has saved the NHS substantial sums by efficiency gains. We just ask that the correct sums should be paid for a quite small number of very difficult operations. I am very much in favour of foundation status. The orthopaedic hospital is a classic example of a smaller operation with a really tight team and a tremendous team spirit throughout the place, which really delivers.

In the past I have felt that there has been a bit of prejudice in the west midlands authorities against that world-class operation, tucked away in the north-west of the west midlands. I met an Australian on an aeroplane once—I shall not bore hon. Members by doing the accent—who said, "I have been to this amazing hospital; it's entirely surrounded by sheep." It is isolated, but it delivers the care that it does partly because that is the attraction for the people who work there. There has been a sea change. I pay tribute to Elisabeth Buggins, the chairman of the strategic health authority, who has been to the hospital a couple of times and understands its value. She supports its drive for foundation status. However, I should like an answer on the vexed question of the tariffs for revision operations. The orthopaedic hospital has a sports injury service. Three consultants work on sports injuries. What links does the Minister have with his colleagues working on the Olympics, with a view to making sure that the hospital could benefit from that?

To move on, rapidly, from good news to bad news, a ludicrous vexed area is the nonsense of redesignating the status of GP practices that can dispense medicines. The Shawbury practice raised that with me last summer. I do not see why the Government have brought in the new regulations, which are wholly damaging and negative. We saw them off in Shawbury, thanks to a spirited campaign. I probably had more letters about that last summer than about anything else. Sadly, the issue has moved on to Gobowen, a large village a couple of miles outside Oswestry. I had many letters from furious constituents who are used to going to the GP and getting their medicines at the same time. The pharmacists there have local knowledge and access to medical records. The system is wholly beneficial. However, under the new regulations, if another company puts in a bid for a pharmacy, and if the designation of the area is considered and the rurality is withdrawn, the doctors' surgery can no longer dispense. In Gobowen the utter nonsense of the situation is that the company that put in the bid does not yet plan to build a pharmacy. That is a wholly negative development and it is nonsense. It is all to do with the designation of rurality.

I have been in constant communication with the Minister's predecessors. I have a letter from the Minister of State, Department of Health, the hon. Member for

Corby (Phil Hope), who said that the question is decided by the PCT, and I got a letter from the PCT saying that it is required by national regulations first to determine the rurality of the area as defined under the pharmacy regulations. Then there is a ludicrous passage in which the PCT just repeats what it is made to do by central Government regulations, and says:

"The regulations also clearly state that the fact that an area is classified as 'controlled' (ie not rural in character), or that a decision is taken to remove such a classification, does not necessarily mean that it is urban."

If you can understand that, Mrs. Humble, you are doing well.

Councillor Joyce Barrow has recently been elected the councillor for Morda, another village just outside Oswestry, which must be rural because it comes within Oswestry rural parish council, and it is likely to have its services removed. One of the excuses about Gobowen was that there are other services, such as a post office. However, the Government have removed the post office from Morda and there is really very little there. I have had a furious letter from the surgery saying that that will damage patient care. Will the Minister explain why the regulations were introduced? The PCT has said that it had no option but to implement them. *[Interruption.]* I should be grateful if the Minister would listen to me rather than to the hon. Member for Coventry, South (Mr. Cunningham).

It is causing real upset. Doctors tell me that it will damage patient care. I am all for freedom of choice. If someone wants to build a pharmacy, if they can compete, good for them, but why should we upset a system under which doctors have detailed knowledge of their patients and patients do not have to suffer the inconvenience of using a taxi or the infrequent bus service to go into town to get their medicines? I do not see any merit in what the Government are doing, and I would like to see things reviewed. I would like an answer from the Minister.

10.20 am

Daniel Kawczynski (Shrewsbury and Atcham) (Con): I congratulate my hon. Friend the Member for Ludlow (Mr. Dunne) on securing this important debate.

I pay tribute to the hard-working members of staff at the Royal Shrewsbury hospital—the doctors and nurses, the cleaning staff and all involved in providing care at that important health care facility in Shropshire. I pay tribute also to the chief executive and the chair of the Shrewsbury and Telford Hospital NHS Trust for their hard work, Mr. Taylor and Dr. Bamford respectively.

The most important thing that I want to get across in my truncated speech—we are running out of time—is that Shrewsbury is a border town. We live cheek by jowl with the Welsh community just across the border, which uses our hospital facilities. A political map of England will show that all the seats in that part of the country are held by Conservative or Liberal Democrat Members. Although I have repeatedly raised my concerns with Ministers on how English hospitals are losing out as a result of Welsh devolution, little progress has been made because the Government do not understand the grave consequences and are not prepared to act.

The Royal Shrewsbury hospital loses approximately £2 million a year because the Welsh Assembly has different ways of paying for treatment. That loss cannot be allowed to continue. I aim my remarks at my hon. Friend the Member for Guildford (Anne Milton), the shadow Minister for Health, who will doubtless soon be making decisions on the matter. When we finally get a Conservative Government, I hope that there will be some redress, so that my constituents do not continue losing out.

Not only the financial aspects, but issues to do with drugs and waiting times concern me. One of the most emotional and fraught experiences that I have had as an MP is trying to secure live-saving drugs for my constituents; they are not entitled to them, whereas people who live just a few miles across the border in Wales that use my hospital are automatically allowed those drugs. I feel passionately about the United Kingdom, and I believe that we are one country. Allowing such a postcode lottery to continue is doing untold damage to the Union.

Lembit Öpik: I declare an interest in that the Royal Shrewsbury hospital saved my life on 13 April 1988, and the Gobowen hospital helped me to start walking again.

I challenge the hon. Gentleman: I believe that those Welsh patients provide a net contribution to the Royal Shrewsbury. If they went somewhere else—perhaps to Hereford or Aberystwyth—Shrewsbury might have to become smaller. He may criticise the benefits of devolution to my constituents, but I advise him to look at the figures again. On balance, the Royal Shrewsbury hospital gains a net benefit from my Montgomeryshire constituents going there for their health care.

Daniel Kawczynski: I do not want to get engaged in cross-border parliamentary warfare, but if the hon. Gentleman speaks to the chief executive of the Royal Shrewsbury, as I have done, he will discover that the hospital has lost out. Of course we welcome Welsh patients coming across the border to use our hospital's facilities, but the Welsh Assembly must start paying the same for medication as English authorities. That is what leads to the losses in English hospitals.

We pay too much for car parking at our hospital. We have to pay £2 to leave our cars at the Royal Shrewsbury. When my daughter was being born there, I remember thinking that I would have to leave the labour ward and rush out to fill the meter, because parking tickets expire at midnight and one has to buy another ticket. We are the fourth-wealthiest economy in the world, yet we are charging people to leave their motor vehicles. Many come, not as I did for the birth of my daughter, for a relatively short period, but for much longer, as they have relatives with long-term illnesses at the hospital. For people on limited incomes, paying £2 a day is bad.

I remember that the windows of the maternity ward at the Royal Shrewsbury hospital have to be sealed for security reasons. It was sweltering when my daughter was born, but the hospital did not have air conditioning or fans. I hope that the Minister will do everything possible to ensure that the maternity services at the hospital have better ventilation or air conditioning, so that people have a more conducive atmosphere.

The league of friends at Royal Shrewsbury hospital is a group of volunteers that raise hundreds of thousands of pounds every year for the hospital. It runs tea and coffee shops, sells goods and runs events throughout Shropshire to raise funds to buy vital equipment. That equipment should be provided by the state through taxation, but as a result of the lack of Government

[Daniel Kawczynski]

funding, the league of friends, a local charity, is increasingly burdened with having to find ever more money. I ran the London marathon a few years ago. It nearly killed me, but I raised £9,000 for the league of friends. Should I be re-elected, I may do it again because of the tremendous benefits that the group is able to give the hospital.

My constituents in Shrewsbury have raised aspects of the problem of long-term care for the elderly, as did my hon. Friends the Members for Ludlow and for North Shropshire (Mr. Paterson). For many of my constituents, it is the biggest health care issue. Many of my constituents have had to sell their relatives' homes in order to pay for their care. The BBC website says this morning that the Government are considering asking people in England to take out care insurance to pay for long-term care in their old age.

The question of long-term care is hugely important to my constituents. There are many senior citizens in Shrewsbury. We have an above-average population of senior citizens, and they are looking to this Government, or to the next Conservative Government, for some form of answer. It is unacceptable that people who have been thrifty and have saved should have to sell their assets and their homes to pay for long-term care.

I end by trying to indicate to the Minister the passion that everyone feels about health care services in Shropshire. We want a fair deal, and I look forward to hearing the Minister's response.

10.28 am

Lembit Öpik (Montgomeryshire) (LD): I am aware of the time, Mrs. Humble. I have delegations arriving here from Welshpool, so I hope that the Minister will forgive me, on condition that I do not ask him any questions, if I leave a little early.

As has been said, my constituency neighbours Shropshire, and my Montgomeryshire constituents depend heavily on the health care services of the Royal Shrewsbury hospital and, particularly, the Gobowen hospital. I cannot praise enough the efforts of the staff at those facilities, not least because of my experience there. I also praise the efforts of Tom Taylor in putting into order accounts and finances that have gone dreadfully wrong.

I wish to add two further observations. First, it seems that the most effective way to provide the care that my constituents need is for the district general hospital in north Shrewsbury to do what only it can, but to allow convalescence in the other four hospitals—at Llanidloes, Newtown, Machynlleth and Welshpool. Bed spaces are cheaper there and a collective approach could make a huge difference.

Secondly, technology should enable us to do outreach work much more creatively and extensively. By using modern technology, some sophisticated diagnosis and treatment could once again be devolved back to those smaller hospitals. That, too, would reduce the pressure on the Royal Shrewsbury hospital. I have no doubt that technology will make a difference, but it would be better if we did that strategically.

Finally, I thank Tom Taylor for bringing things into order at the Royal Shrewsbury hospital. Unquestionably, his leadership has turned around by 180° the dreadful situation that his predecessor had left to fester. The hospital is a cross-border lifeline for my constituents, and I thank its staff and leadership for all that they do. I hope that, collectively, we can create a cohesive strategy embodying the work of the small, local hospitals and using modern technology to improve their reach and to save funds and lives.

10.30 am

Greg Mulholland (Leeds, North-West) (LD): I congratulate the hon. Member for Ludlow (Mr. Dunne), a former Work and Pensions Committee colleague, on securing this important debate. I have enjoyed listening to the description of the issues in his constituency and the constituencies of other Shropshire Members. I know Ludlow reasonably well: my wife lived there for some years when a child and my brother-in-law Josh was born there, which presumably explains why he is a Manchester United fan—I never quite worked that out. However, it is a wonderful part of the country and one that I am always pleased to visit.

The case laid out by the hon. Gentleman and other hon. Members demonstrates the stark contrast between Ministers' rhetoric and the reality of the NHS in the 21st century. The rhetoric is about localism, but in reality we have the most over-centralised health service in the world. I am afraid that that is an issue for us all. Few MPs have a community hospital in their constituency, but I am one of them—the excellent Wharfedale hospital—and very few of those MPs have not had to spend considerable time supporting those facilities, and often campaigning against cuts, service reductions and, on too many occasions, the threat of closure.

The hon. Gentleman alluded to a 2006 statement made by the former Secretary of State for Health, the right hon. Member for Leicester, West (Ms Hewitt), and the commitment to dedicate £750 million to community hospitals. Three years on, however, not even half that has been invested in those important health facilities. That is of real concern to communities in Shropshire and in Yorkshire, and up and down the country. I shall read some of the words accompanying the announcement. The 2006 statement said:

"Developments in medical technology are making it possible to provide far more care in local communities, closer to where people live".

Is that how people perceive the health service? I say not.

The statement continued:

"Services could include in-patient and out-patient facilities, diagnostic tests, specialist clinics, minor surgery, health and social care services for people with long term conditions, dentistry, rehabilitation and palliative care... we expect to see a strategic shift in how the NHS provides care, with a reduction of funding to support the provision of more convenient services in local communities."—[*Official Report*, 5 July 2006; Vol. 448, c. 816-17.]

Those warm words simply do not represent the experiences of people throughout the country, which is that many services that could be provided more locally are not. They have to travel increasingly large distances. In my constituency, people have to travel the 11 miles from Otley to the large hospitals in Leeds such as Leeds general infirmary and St. James's university hospital.

In more rural constituencies, such as those of the hon. Gentleman and my hon. Friend the Member for Montgomeryshire (Lembit Öpik), some people regularly have to travel large distances to access important services

that are often an hour and a half's drive away. That simply is not acceptable. We should be trying to make as many services as possible accessible locally.

I wish to make another important point that comes up every time we debate local health services. The modern NHS is not accountable. It takes marches of thousands of people in the streets of our towns and MPs organising petitions, protests and public meetings to get any sort of accountability in local health services. Whatever Ministers or civil servants say, local health managers are not accountable to local people. They are accountable in this bizarre chain to strategic health authorities, which, as we all know, are not only enormously wasteful, but the puppets of the Secretary of State. They oversee a wide area and ensure that his bidding on general policy is done in local areas. That is entirely inappropriate and wasteful.

What should be a people's health service has fallen into the hands of managers who do not see themselves as accountable. I have seen many examples in the health service in my constituency of a paternalist attitude. The managers say, "We know best. We know what our priorities are. We will deliver them and make decisions with little or no consultation." When there is consultation, it is usually inadequate and often simply a fig leaf, enabling them to rubber-stamp a decision already made.

There are campaigns throughout the country not only on community hospitals, but on other important health facilities and health centres. It takes such people power to bring any kind of accountability. When will the Government address that clear democratic deficit? If they did so, they would not have to listen time and again to MPs complaining that even we find it difficult to influence decisions on behalf of our constituents, except through such petitions, marches and protests.

The Liberal Democrats will enter the next election with a policy to replace PCTs with partially elected health boards. We can debate whether that is a good idea, but it acknowledges a problem that cannot be ignored and needs policy solutions. We have put one on the table to be discussed: involve local people in decisions so that they can kick out, through elections, hospital trust managers making unpopular decisions and PCT bosses making unpopular local strategic decisions. Without that accountability, all the warm words about localism and accountability are not only just words, but rather insulting to the many people who take part in marches and sign petitions.

The sad reality is that the health service is unaccountable and desperately over-centralised, and does not respond to the needs and demands of local people. Until that changes we cannot make the best use of the energy of our health professionals and managers who are passionate about the care that they provide. Health services are so tightly controlled from Whitehall and the Departments. That must change if we are ever to give the NHS back to the communities, where health service decisions should be made.

10.39 am

Anne Milton (Guildford) (Con): I congratulate my hon. Friend the Member for Ludlow (Mr. Dunne) on securing this debate. He has clearly spent a lot of time participating in marches around his constituency. He talked about 4,000 people marching in protest at the threats to Bridgenorth hospital, and he mentioned Bishops Castle community hospital. It was encouraging to hear him talk in such glowing terms about the community effort that has gone into the design of not only services but buildings. Clearly, a lesson in best practice can be learned about designing services that are responsive to local people's needs and that make people feel that the NHS is responding to their concerns.

My hon. Friend mentioned Ludlow community hospital and the closure of the mental health ward. As a shadow spokesman with responsibilities for mental health, I caution against the loss of mental health beds. The closure of such beds has resulted in a rise in the prison population. Whether people are in prison or in mental health hospitals, they must receive the care and services that they need.

My hon. Friend told a very frustrating story about how the hospital and the local people were encouraged to redevelop services. Both the PCT and the strategic health authority described Ludlow as a top priority. Mention was made of the community hospital redevelopment fund. Despite the Minister's intervention, I am still not clear whether or not the fund is there. That shows the confusion about some of the Government's announcements. The Minister shakes his head. Either we are all being very dim or he is not paying attention, and I suggest that it is the latter.

Mr. Mike O'Brien: Will the hon. Lady give way?

Anne Milton: The Minister will have a chance to address the points when he replies to the debate. *[Interruption.]* Okay, I will give way.

Mr. O'Brien: I should be grateful if the hon. Lady did not make personal asides and then stop me from intervening, because it is discourteous. As I have said already, the fund is available, and it needs the consent of both the Department of Health and the Treasury. It is very simple and straightforward, and there is nothing obscure about it.

Anne Milton: I certainly did not mean any discourtesy to the Minister. I was driven by frustration over the lack of clarity. By implication, I do not think that we are all being very dim either. None the less, we need more clarity. The Minister has not explained why the money is not being spent at the rate at which it was originally intended to be spent.

As for community hospitals, I certainly have one in my constituency. Cranleigh village hospital is extremely important. I am often unconvinced by both the modelling and the drivers of such hospitals, which relate, I am convinced, to short-term budgetary pressures, rather than to clinical improvements. The Government's White Paper, "Our health, our care, our say: a new direction for community services" made it absolutely clear that decisions should be made on the basis of improving clinical outcomes. Yet, all too often, the drivers are the financial pressures.

My hon. Friend the Member for Ludlow also raised the issue of financial deficits and the yo-yoing between PCTs and acute trusts. That is confusing not only for local people but for the trusts, and we need to have some clarity about where those deficits lie. In my PCT, I have had considerable difficulty discovering why, with a 5.2 per cent. increase in funding, the PCT has to save £60 million. I cannot make sense of the figures.

[Anne Milton]

Will the Minister reassure us that there will be no more reorganisation of services in the lifetime of this Government? As he is new to his brief, I refer him to the Health Committee's report on reorganisation, which makes it clear that reorganisation causes chaos, a fall in due diligence—we heard about the chief executive who got his job with a fake CV—loss of focus and management failures. Moreover, will the Minister explain the deficits and what attempts the Government are making to ensure that we know exactly where such deficits lie?

My hon. Friend also raised the issue of demographics and our increasingly older population. Again, as the Minister is new to his brief, I refer him to an excellent Health Committee report, in which I was involved, about financial deficits and to the work of Professor Sheila Asantha, who considered the issue of funding. In particular, she examined whether rural areas were getting sufficient funding to deliver the required services, particularly as they tend to be more difficult and expensive to provide in those areas.

My hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski) spoke in glowing terms about the expertise in Oswestry and the need to harness and invest in that expertise. We have pockets of superb practice in this country. We must ensure that we do not have clumsy funding formulae and tariffs that put such services under threat. He also eloquently described the anger that many GPs feel over the dispensing problems in rural areas. In this debate, we have had a run around every single issue relating to NHS services that faces many hon. Members. I know that my hon. Friend is not alone in his concern about GP dispensing.

The hon. Member for Montgomeryshire (Lembit Öpik) and my hon. Friend the Member for North Shropshire (Mr. Paterson) praised the Royal Shrewsbury hospital. My hon. Friend always describes his local services and workers in glowing terms. As someone who worked in the NHS for 25 years, I can say how much staff appreciate being mentioned in such terms. He also mentioned some very complex cross-border issues, such as waiting times and availability of drugs. Even in this Chamber today, we saw the issue bubble up as the heat began to rise. I dare say that my hon. Friend and the hon. Gentleman could have gone on for some time and taken the complex issue further.

I recently spoke at a league of friends conference. There is no doubt that the organisation does a tremendous job in raising money. Sometimes it helps to fund equipment and services, which are right on the border of what the state and chargeable provision should provide.

The Government are publishing a Green Paper on social care and long-term care. I do not want to take up any more of the Minister's time, because there are a number of points on which we should like to hear some clarity. Moreover, I should like to give my hon. Friends and other hon. Members the opportunity to intervene on the Minister if they do not get the full clarity that they would like.

As I said, I have worked in the NHS for 25 years, and I came to the House because I did not think that enough people with front-line experience of the NHS were working in Parliament. There is no doubt in my mind that there is a disconnect between what the Government believe is happening and what is actually happening on the ground. So often, we see the frustration of hon. Members as they try to describe what is happening in their constituencies. They often say that what the Government say is happening is just not taking place. There is a yawning gap between some of the modelling behind the Department of Health and what works on the ground. We saw that in the White Paper, which explicitly says that changes should not be made because of short-term budgetary pressures, but that is exactly why changes are made.

The Government cannot make grand statements and get press coverage for the £750 million that they are spending on the community hospital fund only for it to disappear before our eyes. We do not see the withdrawal of such funds plastered all over the press, but we see the announcement of them everywhere. We need clarity on the matter. Although the Minister intervened on me, I still do not believe that we have that clarity. I look forward to the Minister's comments and to him being able to reassure my hon. Friends that health services, particularly those in rural areas, are safe in the Government's hands.

10.49 am

The Minister of State, Department of Health (Mr. Mike O'Brien): I have 10 minutes left in which to reply. The hon. Member for Guildford (Anne Milton) said that she was going to give me some of her time, but she has given me only about 30 seconds.

Anne Milton: Ten minutes.

Mr. O'Brien: I have 10 minutes overall in which to reply, and the hon. Lady took nine minutes and 30 seconds to respond. She is entitled to that time, but she should not then say that she is allocating some of her time to allow me to respond more fully. The hon. Member for Ludlow (Mr. Dunne), whom I congratulate on securing this debate, took 35 minutes to set out his case, and the hon. Members for North Shropshire (Mr. Paterson) and for Shrewsbury and Atcham (Daniel Kawczynski) raised a series of important issues on which I should have liked more time to respond, but they will have to forgive me if I am unable to do so in detail on some of them. I am happy to respond to the gestures of the hon. Member for North Shropshire and write to the hon. Gentlemen.

Let me say that I am concerned about the representations that were made in respect of Ludlow community hospital. Before I respond specifically to those, I pay tribute, as Ministers always should, to the hard work and dedication shown by health service staff throughout Shropshire in providing a high-quality health service for patients.

Funding overall for the NHS has tripled since 1997. Between 2004 and 2010-11, funding to Shropshire County PCT will increase from £230.5 million to £436.6 million. That represents an increase of more than £200 million in only seven years. Back in 1997, it was not uncommon for people to have to wait 18 months or even two years for an operation in the NHS. However, because of our reforms and increased investment in the Shropshire County PCT area, 92 per cent. of admitted patients and 98 per cent. of non-admitted patients are currently seen and begin their treatment within 18 weeks of referral. That demonstrates the dramatic effect that the Government's policies have had on waiting times.

In addition, we are establishing new GP health centres in Shropshire, which will be based in Shrewsbury. They will open in September and can be used by some of the hon. Members' constituents. The Market Drayton primary care centre, which opened in 2005, provides GP services for some 15,000 patients and other health services for the wider community. The hon. Member for Ludlow mentioned Bridgnorth hospital, which has been transformed, and the new services coming from the £1.2 million spent at Bishops Castle. Those are just a few examples of how the extra funding provided by the Government, combined with the dedication of health service staff, have made some real improvements for the local population.

However, the hon. Gentleman also spoke about the local financial deficit. The financial situation is indeed challenging, but the SHA and the PCT have assured us that they are confident that a balanced financial position will be achieved by the year's end. Revenue allocations for 2009 to 2011 are based on, and calculated using, the most up-to-date population data from the Office for National Statistics. There is always a lag of a few years, but that is not all that long. Allocations seek to reflect the Department for Communities and Local Government's growth areas and growth points and the increasing numbers of retirees. Shropshire County PCT will receive a revenue allocation of £412.6 million in 2009-10 and £436.6 million in 2010-11. As I said, that represents an increase of £45.6 million or 11.7 per cent. in funding.

In the time I have left, I shall turn to Ludlow community hospital. I appreciate how important the issue is to the hon. Member for Ludlow and his constituents, and I am aware of the petition on the No. 10 website posted by Friends of Ludlow Hospital. Community services provide essential care to many vulnerable people, families and communities, from health promotion to end-of-life care. Such care is often provided by community nurses and therapists and in local centres and community hospitals, and it accounts for a substantial part of NHS funding—approximately £10 billion annually. The Government have developed a strategy for transforming community services, which has involved hundreds of clinicians and other stakeholders. The strategy will reduce inequalities, secure high-quality care and promote productivity and innovation.

The Government continue to ensure that we provide support for the community hospital programme. Investment in community services remains a high priority for us. The Government programme consists of two elements: £500 million for conventional infrastructure investment, which relates to proposals for new buildings, and £250 million for community ventures. We intended the latter to be innovative joint ventures with the private sector, involving many services and some infrastructure. Let me be clear: that funding was there if projects were proposed. That has happened in some years and 28 projects have secured elements of the funding.

The money has contributed to a range of services, including community hospitals, and more generally to other important and welcome community projects. I can confirm that the Department of Health will continue to consider schemes for community hospitals. They will be subject to the same approval process as all capital investment, thus ensuring that any further spending is affordable and that it provides value for money. For projects due to start in 2010-11, decisions will be subject to the strategies that PCTs produce for the development of their estates and the outcomes of the next spending review.

I appreciate the concerns about Ludlow community hospital. In 2007, Shropshire County PCT proposed a scheme for consideration as a community venture, requesting £20 million in capital investment. That was fine, but when it was examined, it was determined that the scheme would not stand up as a community venture project. The PCT worked to develop the scope of the venture but seems to have concluded eventually that staff conditions, particularly pensions, made the scheme impractical. The project therefore did not go ahead in the form that was originally proposed.

Subsequently, last May, a new idea was proposed. I have no problem with that. The new idea appears to be valued at around £30.4 million and the PCT has submitted the strategic outline to the SHA. The most important thing is to ensure that the Ludlow scheme is assessed and prioritised appropriately in the context of the regional health economy. The local NHS needs to compare the costs of, and benefits that will be delivered by, a proposed scheme against its other priorities. If the local NHS is to make the right decisions, the PCT will need to develop an outline business case, the purpose of which is to identify in more detail the preferred option for the delivery of the scheme.

There are a number of funding options—it is not true that the community hospitals scheme is the only option. The PCT needs to negotiate with the SHA about the priority that the latter has within its regional formulae.

Mr. Dunne: I should point out to the Minister that the SHA had determined that the scheme was its No. 1 priority for the fund. That is what it wants help with.

Mr. O'Brien: The hon. Gentleman says, "for the fund," but I must tell him that there are a number of potential sources of funding. Frankly, on the face it, the project looks good, but it needs to be within the overall allocations for the SHA. I was interested to note that Elisabeth Buggins, the chair of the SHA, gave active encouragement for the project, but I would also be interested to know where it stands in the SHA's overall plans for the region. At the moment, if the project is asking for funding under only one category and does not have wider potential sources of funding, it stands less chance of going ahead.

We will see how the project develops. I hope that it progresses, that it gets into the SHA's regional plans and that it is given the priority that the hon. Gentleman would like. It appears that Mrs. Buggins also wants that to happen. Let us wait and see whether the SHA gives it that priority.

East Coast Main Line

11 am

Hugh Bayley (City of York) (Lab): I consulted as widely as I could in the time available about what the future of the east coast main line service should look like. I spoke to National Express East Coast, of course; to Ministers; to former managing directors of the east coast main line, from both the time when British Rail managed the service and the Great North Eastern Railway period; to trade unions; to transport consultants and to journalists. I spoke to Yorkshire Forward about the business implications of the disruption to the franchise, and, with the help of my local daily paper, *The Press*, I consulted the public and received a lot of interesting comments from people inside the rail industry and service users.

The east coast main line is the most strategically important railway, in economic terms, within the UK. It delivers more passenger kilometres than the west coast main line. The service is economically vital to the whole east of the country, especially the east midlands, Yorkshire and the Humber, the north-east and Scotland. In 2002, Halcrow conducted a study to examine the economic value of the east coast main line to Yorkshire and the Humber. Halcrow believes that it added £100 million to the local economy in 2002, that it directly sustains 11,000 jobs, primarily in transport and tourism, and that it indirectly contributes far more to the region. Businesses locate in Yorkshire because they can depend on a fast and reliable train service that gets businessmen and women from Leeds or York to London in two hours and from Doncaster to London in an hour and a half. That is vital to business location decisions. A loss of confidence in the quality or reliability of the service would result in a fall in inward investment, as businesses would not risk basing themselves 200 miles away from such an important market as London.

When the figures are updated from 2002 to the present and the other regions are added, it is clear that hundreds of millions of pounds of economic activity depend on this railway. In the short term, therefore, the Government must safeguard the quality, frequency and punctuality of services. I believe that the Secretary of State was right to intervene as he did on 1 July when National Express made its statement to the stock exchange. Ironically, National Express East Coast has reduced train cancellations and improved punctuality while it has been running the service, but the Government must ensure that those service improvements do not slip, which is a danger at the tail end of a franchise. It is what happened while GNER was running the service after it lost the franchise.

Mr. Mike Weir (Angus) (SNP): I agree with what the hon. Gentleman is saying, particularly about maintaining the current service, but does he share my concerns about the report in *The Sunday Telegraph* that, before the removal of the franchise, National Express and the Government discussed reducing services on the line as a cost-cutting measure? That would be disastrous to my constituency and many other areas served by the line.

Hugh Bayley: I have consulted widely and have no evidence that the company considered that. In my conversations with National Express about the current circumstances, it said that the one thing that it wanted to avoid at all cost was making savage cuts to balance its budget, which is why it made the statement on 1 July about its financial position. It is right that the Government responded as they did, because cutting services is not the answer. It would be economically damaging to Scotland and economically disastrous for the east of England.

Greg Mulholland (Leeds, North-West) (LD): I congratulate the hon. Gentleman on securing this important debate. Does he agree that we must look again at the award of the franchise to National Express? Concerns were raised at the time, and the rival bids from GNER and Virgin had many merits that were overlooked for financial reasons. Does he also agree that we need to consider a longer period of public ownership to ensure stability, which is what all of us here crave?

Hugh Bayley: I obviously made a mistake in giving way to the hon. Gentleman. It is so obvious that I sought this debate in order to raise those questions that he might have had the patience to wait to hear what I have to say. He will have his own opportunity to contribute.

This is the second time within three years that the franchise has gone belly up. It is not a quirk or a technical problem; I believe that it is a signal that the franchising model is not robust enough and not fit for purpose for a railway of such great strategic and economic importance. Franchising is supposed to transfer risk to the private sector, but twice in three years the Government have been left to pick up the pieces.

Since 1999, National Express's UK rail business has made a profit of £491 million, but because National Express was allowed to create a special purpose company, it appears to have limited its corporate liability for the east coast main line business to a £40 million bond. I do not believe that that is a satisfactory transfer of risk to the private sector. The franchising model appears to allow train operating companies to make money in good times and leave the taxpayer to pick up the tab in bad times.

Mr. Stewart Jackson (Peterborough) (Con): I, too, congratulate the hon. Gentleman on securing the debate. Is he not being slightly disingenuous by not putting fully into context the fact that the franchise system will always involve revenue payments made directly from the taxpayer over time? Some train operating companies have been paid the revenue payments earlier than others. There was always going to be some support. It is not simply a question of making profits in good times and the taxpayer picking up the tab in bad times.

Hugh Bayley: Again, I hope that the hon. Gentleman will listen to the argument that I am making. He might then rise to say that he agrees with me, but if he disagrees, he will of course have the opportunity to state his case.

I turn to the railway business itself. Apart from the top, board-level franchise managers, the staff who run the railway—the managers, engineers, drivers, train crews, ticket office staff, station staff and telesales staff—are all the same people, whoever runs the franchise. The question is therefore whether franchising is a good way of choosing that top management. I doubt that it is,

because so many of the train operating company's costs are fixed by others, such as track access charges and rolling stock leasing costs. Many of the other costs faced by operating companies are pretty inflexible. The premiums paid to the Government are agreed years in advance. Staff costs are not flexible either.

The only major variable available to a train operating company is passenger numbers and the resulting revenue. It is clear from the GNER collapse and the National Express East Coast situation that it is impossible to predict accurately passenger numbers and revenue seven years ahead. If a bidder overestimates the growth in passenger numbers and revenue, as GNER and National Express East Coast did, they will default on their obligations to the Government and the public. If they underestimate such growth and display a lack of ambition in their business plan, they will make windfall profits, although they may have to share those with the Government under cap and collar arrangements. There must be a better way to determine who manages a service such as the east coast main line.

I applaud the Government's decision to set up a publicly owned company to run the east coast main line in the likely event that National Express East Coast defaults. The cost of setting up that company will be the same whether it runs the service for one year, three years or a longer period. I urge the Government to use a period of public ownership to rebuild business confidence in the service, restore staff morale and create a better business model for the running of the service.

I have spoken to a director of the publicly owned company that took over the Connex franchise after it collapsed. He served on the board of that public sector company for three years. The company ran the railway in the public sector for two and a half years. I believe that the Government will need at least a similar period to consolidate and stabilise the east coast main line. I say to the Government: please do not rush into refranchising. They should take sufficient time to work out what went wrong and should change the system to make the business model fit for purpose.

Some people say that they know the answers already, but I believe that they have sectional and vested interests. Plenty of people in the private sector are calling for longer franchises. They say rightly that that would encourage higher levels of investment. However, GNER and National Express East Coast did not fail because their franchises were too short. Both came to grief because they miscalculated the revenue growth. Longer franchises would make the risk of such miscalculations greater.

The Conservative party says that the Department for Transport has been greedy and that it charged too much for the franchise.

Sir Alan Beith (Berwick-upon-Tweed) (LD): Over a longer franchise period, there is the prospect of revenue growth recovering, which does not exist over a shorter franchise period.

Hugh Bayley: That is true, but as we have seen from the National Express East Coast situation, when there is a short-term squeeze on revenue, the company walks away from the franchise even though there is the prospect of long-term growth. A longer franchise period would not prevent a franchise collapse of the kind we saw with GNER and appear to be seeing with National Express East Coast.

As I was saying, in answer to the statement by the Minister of State, Department for Transport in the Commons on 1 July, the shadow Secretary of State for Transport accused the Department of charging too much for the franchise. It was not the Department for Transport that wrote the bids, but hard-headed businessmen who had assessed what the franchise would be worth to their businesses. The National Express East Coast bid was not the highest cash bid submitted in the last franchising period, but the second highest. It was selected because the Government were not confident that the highest bid was viable. It is hard to take the Conservative party's complaints seriously. Franchising was a poisoned chalice that it imposed on the railways. It has brought some benefits, but at the cost of an unacceptable level of instability.

What are the alternatives? First, I would like the Government to re-examine the role of Network Rail. Should it remain the monopoly infrastructure provider, or would it be better to have a vertical railway whereby the Department franchises the track and the trains? If Network Rail remains as the sole national provider, should it be a public corporation rather than a public interest company? That would make it more accountable to the Government and the public. Should track access charges be variable? Network Rail is largely insulated from the economic downturn. Should the track access charges that it obtains depend on the revenue of the train operating companies? That would give Network Rail a vested interest in working with train operating companies to make them as efficient as possible and profitable.

Secondly, I would like the Government to examine what should be contracted out. Should they contract out a full franchise or something less? For example, they could contract out the top level management of a public transport service, possibly on a profit share basis. That would apply a cap and collar arrangement from day one.

Thirdly, I would like the Government to consider whether it is right to contract out the core service or entire service in a region or on a line to a single company, as under the GNER and National Express East Coast model, or whether it would be better to contract out train paths, such as with Grand Central and Hull Trains. Must there be a pre-eminent train operating company in a region or on a line? For example, Leeds has a half-hourly service to London. I note that the hon. Member for Leeds, North-West (Greg Mulholland) has now left the debate. Why should there not be two train operating companies each running an hourly service so that they compete with each other on quality and price?

Fourthly, should the public sector be able to bid when the Government put franchises out to contract? It is of course possible because Deutsche Bahn and SNCF can bid. Why should a British public sector transport company not be able to submit a bid? At a recent meeting between Yorkshire Labour MPs and the Prime Minister, my hon. Friend the Member for Morley and Rothwell (Colin Challen) asked why a public sector operator cannot bid. The Prime Minister rightly asked who that public sector bidder would be. I can think of three potential public sector bidders. The first is the public

[Hugh Bayley]

sector company that the Government are establishing to run the franchise in the event that National Express East Coast defaults. A second possible public sector bidder is Network Rail. Finally, the residual British Rail Board could bid.

When the Railways Act 1993 was at Committee stage in the House of Commons, there were long and intense debates about whether British Rail would be able to bid for franchises. As far as I am aware, the relevant section has never been rescinded. Of course, British Rail did not bid at the time because it was under a firm steer from the Department for Transport not to do so. It was not a private sector company and therefore was not encouraged to bid, despite being permitted to do so legally. As far as I am aware, that provision is still on the statute book and there is still a British Rail residual body. It would be worth the Government's while considering whether it could put in a bid.

Fifthly, the Government should consider whether the publicly owned company that they are in the process of establishing to run this franchise in the short term should be given an extended period in which to run the line. It could be given seven years—the length of a typical franchise—in which to improve the service and to rebuild business and passenger confidence. That, of course, would be a return to nationalisation. I am not putting such an argument forward for ideological reasons; I am doing so because a period of public ownership would test whether a public sector supplier would compete well with private sector providers on quality and value for money. Of course, if the Minister has considered all those matters, he will tell us what the answers are. However, if he has not done so, I hope that the Government will hold back on the timetable for refranchising to allow those questions—and those that I imagine other hon. Members will ask—to be fully considered. I have seldom seen Westminster Hall as full as this for an Adjournment debate, which shows just how important this issue is.

Many people share my view that the Government should pause for thought. I asked Yorkshire Forward to consult businesses in my region and, at its prompting, the CBI has been consulting its members, whose views are coming back. One large plc that is based in my constituency suggests that the Government should

"get potential fanchisees to compete on a different basis."

Jonathan Metcalfe, a former managing director of GNER, supports

"publicly specified and privately delivered rail operations"

but advises it is very important that the Government

"reflect fully on the most appropriate re-franchising arrangements."

In the Commons on 1 July, the Minister of State, Department for Transport said:

"It is the Government's intention to tender for a new east coast franchise operator from the end of 2010."—[*Official Report*, 1 July 2009; Vol. 495, c. 425.]

However, at a meeting yesterday, the Secretary of State for Transport said that the new public sector company will run the service for "at least a year." I hope that the Government will not commit to having a new franchise in place by the end of next year because that would rush matters and run the serious risk of the east coast main line franchisee failing once again.

We need a serious public debate about these issues, and that will take time. Information about the costs of running the railway, the number of passengers carried and the quality of service should be in the public domain. Before the debate, I tabled a number of named day questions to my hon. Friend the Minister. I know that it is difficult to answer questions fully when one is up against the tight time constraint of a named day question, but the answers I received were sketchy to say the least. I will re-table the questions and invite the Government to provide more detailed information, because the details on passenger numbers, revenues and the surpluses made—both in the British Rail days and since then—need to be in the public domain to enable a wise and sensible decision on the future of the line to be made.

I have been reading the history of BR and, in the 1980s, the Conservative Government had difficulties in establishing the profit line for the BR intercity service, but it is clear that the profit line was of broadly the same level as that being made by the franchisees of intercity services at the moment. Therefore, it is possible for the public sector to make good money out of a commercial railway, although, of course, the social railway will continue to need Government support.

In relation to York, I say this to the Minister. On 1 July, the Minister of State, Department for Transport called me to explain what the Government were doing. At that time, I said to him that, when the publicly owned company takes over the franchise, it is important that it retains its headquarters in York. Geographically, York is at the centre of the line and, when there is a major incident, I have seen managers run out of the railway offices and jump on a train. Within two hours, they can be where they are needed—whether it is a train crash or some other incident. York is a geographically sensible place for the headquarters to be and it is, of course, where the service's headquarters have been for a century. I was pleased that when the Minister made his statement to the House on 1 July, he was able to give me an assurance that the headquarters would stay in York as long as the publicly owned company was running the service. For the sake of stability, to restore staff confidence and morale, and to safeguard hundreds of jobs in my constituency, I hope that, this time, if the Government refranchise the service, they will require the headquarters to remain in York.

There has also been great controversy about the establishment of ticket barriers at York station. When I spoke to the Secretary of State about that, he said that his hands were, in effect, tied because one of the conditions of the National Express East Coast franchise was that barriers could be installed. If National Express loses the franchise, which seems almost certain, that condition will, of course, no longer exist, so I ask the Government to consider that matter again. Among others, I have spoken to someone who was a manager of the east coast main line when InterCity was running the service. He took out the barriers in 1988 or 1989 and achieved a revenue increase by putting ticket collectors on the train.

The Secretary of State has talked about using a period of public sector consolidation to improve the quality of the service, for example, in relation to car parking, bicycle parking and on-train catering. Those are all good things, and I applaud him for taking those

matters on board. However, they do not deal with the strategic question, which is that this railway is of fundamental economic importance to Yorkshire, the north-east of England, the east midlands and Scotland. There has been a hiatus twice in three years; there cannot be another hiatus. The Government need to stop and consider how they have appointed the management of this railway line in the past. They also need to change how they have determined who will manage the service in order to prevent the vulnerabilities that have led to the two franchise collapses.

Several hon. Members *rose—*

Mrs. Joan Humble (in the Chair): Order. There are several hon. Members who wish to speak in the debate. I advise those who wish to contribute that I will call Front-Bench speakers at 12 o'clock, so if hon. Members limit their contributions, I will try to allow as many as possible to contribute.

11.27 am

Mr. Stewart Jackson (Peterborough) (Con): It is a pleasure to follow the hon. Member for City of York (Hugh Bayley), not least because he speaks about the railways with passion and a degree of knowledge and experience. However, we must bear in mind the circumstances in which the decision was taken and the statement relayed. It is worth repeating the point that it is not acceptable for the Secretary of State for Transport, Lord Adonis, effectively to make the announcement on the issue at 7.22 am on the "Today" programme while we in the House of Commons had to wait until half-past 7 that evening to be told the same thing. So doing disregards the new Speaker's rules.

The hon. Gentleman failed to give us the context of the failure, or seeming failure, of National Express East Coast. He assumes that the matter is just about a commercial enterprise, that there is no greater Government or ministerial context and that the franchise system has failed. Obviously, in doing so he pays homage to the traditional visceral hatred of privatisation that we see among those on the Labour Back Benches. Two weeks ago, there was a knee-jerk reaction from various people who see what has happened as a green light to proceed with full renationalisation and an opportunity to roll back the progress made under privatisation.

The hon. Gentleman fails to concede that the micro-management and interference of Ministers, the Department for Transport and the Government generally have played a part in what has occurred over the past few months. He says that he wants a serious public debate, but so do we all. That is at variance, however, with his contention that the current situation will lead to instability and lack of clarity, which will be bad for business in Yorkshire and the Humber and along the east coast main line in the rest of the country, including my constituency.

I do not believe that we need a long period of 18 months or more of quasi-nationalisation, which would not be good for the industry, and certainly not for the east coast main line. It is, of course, a prestigious line, and we are all sorry that it is in its current position. I believe that Great North Eastern Railway was a good train operator, and were it not for the problems with the chapter 11 situation that afflicted Sea Containers in 2007, it would still be running a fairly good service. GNER would have had to cut costs and cope with a difficult economic situation, but it would still be running the line.

Clearly, National Express overbid for the franchise in 2007 and its model's predictions for passenger numbers, revenue and similar data were faulty. However, we should remember that that franchising model was overseen by the Department for Transport and Ministers, and that there was no great difference of opinion on the predictive modelling, as the Department concurred with National Express's predictions, so it would be unfair and disingenuous to blame only the franchisee for its current situation.

The model was predicated on revenue growth of 10 per cent. and an estimated 4 per cent. increase in passenger numbers, but over the 18 months since then we have seen falling passenger numbers, fewer journeys and declining passenger revenues. In the period immediately before the recession kicked in, passenger revenues rose by about 11 per cent. during the quarterly period in the middle of 2007.

The success of the east coast main line and the long-term financial viability of the franchisee matters a great deal to my constituency, which has a strong heritage as a railway town—perhaps not as strong as York's, but close. For us, the redevelopment of the station quarter and the North Westgate development in Peterborough are an integral part of the wider regeneration of the city, and having a railway station that acts as a good, professional facility is vital to my constituents, not least because Peterborough's economic prospects are as a transport and logistics hub at the confluence of the east midlands, the east of England and the greater south-east. Hitherto, the availability of a fast and efficient service only 50 minutes from London has been of significant benefit to Peterborough's economic competitiveness in the travel-to-work area.

We are in the current situation because of the value judgments and decisions of the Secretary of State for Transport, Lord Adonis. He is responsible for the current situation. Two weeks ago he told the media—before he told Parliament, incidentally—that the Department

"does not renegotiate rail franchises".

That raises the question, why did the Department spend five months from February 2009 negotiating with National Express, the parent company, if it was not prepared, ultimately, to vary the franchise arrangements in any way? At the same time, other train operating companies, such as First Great Western and Virgin West Coast, have received taxpayer subsidy at an earlier juncture than was possible for National Express East Coast, which would have received that support from December 2011, as the hon. Member for City of York mentioned. We should remember that National Express has not yet defaulted on its payments with regard to the east coast main line operation and that before the downturn revenues were growing ahead of the target set when the franchise was awarded.

The Department for Transport had an opportunity earlier this year to maintain the franchise, with a cash sum to the Treasury, until the taxpayer subsidy could be given to the company in December 2011, but it rejected the offer and plunged the east coast main line franchise into uncertainty and confusion, and ultimately the inevitable incompetence of the Government running that vital railway franchise. Ultimately, taxpayers will absorb most of the loss if the revenue on the franchise is below target

[Mr. Stewart Jackson]

growth. As we heard from the hon. Gentleman, growth in the first quarter of this year was down to just 0.3 per cent., which clearly does not auger well.

I disagree with the hon. Gentleman because it is imperative that the Government move quickly to relet the franchise as soon as possible, but he is right that we need to know the cost to the taxpayer of that likely process over the next 18 months. We have to ask what impact there will be on other budgets as a result of the public subsidy needed to keep the franchise as a pseudo-nationalised franchise. That is important, if other vital programmes are to be affected.

We also need to look at franchise length. As the right hon. Member for Berwick-upon-Tweed (Sir Alan Beith) said, it is no coincidence that the most successful train operating company, Chiltern Railways, has an exceptionally long franchise, compared to the others, so we must consider that. It is something that neither the Minister nor the hon. Member for City of York can disregard. We cannot go back to nationalisation, despite what some hon. Members might say. Even *The Independent*, which is not traditionally a great friend of private enterprise or the Conservative party, said on 2 July that

"there is no case for resurrecting the inefficient British Rail... the railways have generally improved in private hands over the past 15 years. Passenger numbers are at their highest levels since the Second World War and the quality of rolling stock is much higher."

We need to look at governance structures and review the cap-and-collar regime. We need to accept that there is likely to be some cost-cutting in the short term, but I believe that that is worth while if the medium and long-term financial viability of the franchise is preserved and can continue in private hands. We must remain focused on the strategic and economic importance of the east coast main line and ensure that we continue to deliver a professional, fast, quality and value-for-money service for the benefit of our constituents across the country.

I do not disagree with the hon. Member for City of York on the issue of disaggregated franchises, because there might be merit in that and we should look at it. Nor do I disagree that we should look at contracting out top-level management. The new Conservative Government, who I hope will be elected in the middle of next year, will undoubtedly look at that point, and my hon. Friend the Member for Wimbledon (Stephen Hammond), the shadow Minister, will perhaps refer to it.

Finally, we need further institutional disruption in Network Rail like we need a hole in the head. We should leave Network Rail well alone, because disruption will not work and there is no case for it. We are in a difficult position, so we should relet the franchise quickly, put away notions of renationalisation and get that service working for our constituents and the benefit of the whole country.

11.39 am

Mr. John Grogan (Selby) (Lab): It is a great pleasure to follow the hon. Member for Peterborough (Mr. Jackson), and I congratulate my hon. Friend the Member for City of York (Hugh Bayley), who is my constituency neighbour, on securing the debate.

Given the short time available, I wish to make only two points. The first concerns the open-access operators on the line, Hull Trains and Grand Central, which my hon. Friend mentioned and which I regard as important. I also want to argue briefly why I think there is merit in the Government being firm, bold and clear in saying that they will run the east coast main line franchise in the public sector as a public sector comparator to the rest of the industry for 10 to 15 years to give certainty.

There are three open-access operators in the country, and two of them are on the east coast main line. One of the real benefits of rail privatisation was that for the first time it was possible for new operators to risk money and institute new services for underserved areas of the country. My constituents in Selby lost their east coast main line connection when the mines came to Selby and the railway was diverted. It was truly a red-letter day when GNER and Hull Trains both put Selby back on the map. Seeing Selby on the board at King's Cross station is a little like having a lower division football team.

Selby railway station is a friendly place. I recall at the height of the expenses row—I must have been looking very bleak—the manageress coming up to me and hugging me. She said, "You look like you need a hug, love." There we are—a very friendly place.

Grand Central Railway is the other open-access operator. It had a bad start, but last week it was named by Passenger Focus as the second most popular of all the railway companies in the country, after a vote by ordinary passengers. The company that beat it, Wrexham and Shropshire, is also an open-access operator. We should value such operators' innovation and the risks that they take.

Hull Trains, which has been taken over by First Group, needs to raise its game. It is letting the people of Selby down with too many cancellations. First Group, as the parent company, needs to put that right in the coming weeks.

I agree with my hon. Friend about the barriers at York station. They are potentially a barrier to competition as well as to people. Grand Central allows passengers to buy tickets on the train, unlike National Express, which discourages that. It has to be looked at.

The Government resisted open-access for many years. The Department for Transport was not keen on Grand Central or Hull Trains because they disrupted the franchise system, but they are a valuable part of the railway and should be maintained.

Moving on to the franchise itself, there is a need for certainty. As my hon. Friend said, business in the north-east and in Yorkshire and down the central spine of the country depends on the franchise. I do not think that we can continue this debate for too long, to be honest. There is a general election coming and it is essential that all the parties are clear about what will happen to this major franchise.

I have been inspired by the hon. Member for Lewes (Norman Baker), who, along with many others, put forward the idea of a public sector comparator. Why should we not see who is right? Why should we not have one of the major franchises run by the public sector for a long period—10 to 15 years—to see what happens? In 2008, the rail business of the year in the United Kingdom was a nationalised railway. It is called Translink and it

just happens to be in Northern Ireland. There is a public sector comparator in Northern Ireland, so why can we not have one on the mainland? Otherwise, we will have a debate that goes on for possibly a year or more.

Just saying that we will keep the line in public sector hands for a year, 18 months or some indeterminate period is the worst of all worlds. If that is what we are going to do, we might as well refranchise immediately, as the hon. Member for Peterborough suggested. We need some clarity and certainty, and I strongly urge the Minister to consider the possibility of keeping the franchise in the public sector so that we can plan for the next 10 to 15 years. We are coming up to a general election. I would be absolutely confident, as a Labour MP in Yorkshire, that that would be a popular policy. We could go into the election saying that we would keep the line in public sector hands, and presumably the Conservatives would oppose that.

I finish with the words of Lord Adonis, who recently told the *New Statesman*:

"If I could rerun the past... I would have tried to pull the plug on rail privatisation in the mid-1990s... So much about transport is basically about action versus inaction... and I am an action merchant."

I believe that there are many—not just on the Labour Benches, but on the Liberal Benches—who would agree that it is time for action, not indecision, Lord Adonis.

Stephen Hammond (Wimbledon) (Con): Will the hon. Gentleman give way?

Mr. Grogan: I was about to conclude, but I give way to the hon. Gentleman.

Stephen Hammond: I know that the hon. Gentleman is concluding, but does he want to quote what Lord Adonis said about British Rail in that *New Statesman* article?

Mr. Grogan: It is not highlighted in my copy, and, as I have had my five minutes, I would not want to detain hon. Members. I am sure that the hon. Gentleman will remind us of Lord Adonis's many and wonderfully varied sayings when he gets up to speak.

11.45 am

Mr. Mike Weir (Angus) (SNP): I congratulate the hon. Member for City of York (Hugh Bayley) on securing this important debate. I agree with much of what he said, particularly about the economic importance of the line, which applies to my constituency as much as it does to his. I shall not go over that again, other than to say that there is a big employer in my constituency, GlaxoSmithKline, whose factory, after a rollercoaster ride, was not closed. It continues to work. I recently had a meeting with the company's management, who stressed to me the importance for its operation of having a rail line to Montrose. That should be borne in mind.

The news about National Express came as a great blow to my constituency, although I was pleased that Lord Adonis quickly made a statement on the future of the line and gave a clear undertaking that there would be no disruption to the service. That was much appreciated. However, there is continuing concern about what the future holds for that line. I shall concentrate in my brief contribution on my constituency and the Scottish situation.

The Government have made it clear that they intend to try to find a new franchisee for the line. I have no ideological feeling one way or the other as to whether it should be the public sector. I have no objection to the public sector or the private sector running it. What I want for my constituents and the businesses in my constituency is certainty for the future. Twice the franchise has been removed from an existing operator. That causes concern, and we do not want to get into such a situation again. We want assurance that the line will continue to operate in the future. That is important.

I regularly use the line to come to London from Montrose. The journey takes six and one half hours. It is a marginal decision as to whether one should fly or take the train. It is probably quicker to fly, but it is much less hassle to take the train, and many of us prefer to take the train for that reason and for climate change reasons. We are less concerned about who runs it than that it is well run and that we have a regular service.

The situation in Scotland is complicated by the fact that, although National Express runs the franchise, it does not run the stations. They are run under a separate franchise given by the Scottish Government. In fact, the stations in my constituency are run by ScotRail. I ask the Minister whether there has been any discussion with the Scottish Government on the new company that will be set up to run the line, should National Express give it up, and what the position will be of the UK and Scottish Governments on the future of the franchise and the new company.

Trains currently stop in my constituency at Montrose and Arbroath, and throughout Fife. They provide an important service to London. The downside is that, north of Edinburgh, the service is much slower than it is through England. That is for various reasons. The line is not electrified, but that is another issue; I shall not open that can of worms now. However, it is a successful line.

I tried to find the passenger figures for the line. It appears that since National Express took over in 2007, it has failed to submit any data on passenger journeys to the Office of the Rail Regulator, but figures in the company's accounts seem to indicate that passenger journeys increased from 18.1 million to 18.7 million between December 2007 and December 2008. That seems fairly reasonable, given the trajectory of figures from GNER, which show that passenger journeys increased from 11.9 million to 17.6 million between 1996 and 2006. Travel on the line remains popular.

From my own unscientific view of travelling on the train regularly, I would accept that there probably has been a decrease in numbers during the recession, but not by a horrendously significant amount. It would be interesting to see the data and to find out what brought National Express to the position that it is now in. To be fair, my experience is that it runs a good service on the line, and I feel some regret that it appears to be on the way out.

My constituency and other parts of the north-east are haunted by worry about what will happen to services if the line is refranchised. We must be honest and accept that many of the journeys are made through England

[Mr. Mike Weir]

and up to Edinburgh. It has been reported, for example, as I mentioned in an intervention, that in talks on the franchise between National Express and the Department there was discussion about cutting off-peak half-hourly services from King's Cross to Leeds to an hourly service. I am concerned that, if the line is refranchised, there will be a lesser service, particularly north of Edinburgh, which would be a disaster for my constituency for business and environmental reasons, and in respect of holidays, as many of my constituents travel on the train to catch holiday flights at the airports around London.

Clearly, whoever takes over the franchise will not enter into the same agreement as National Express and, presumably, it will not do so on the basis of the same sort of figure, because the massive amount paid for that seems to be the cause of the problem. I ask the Minister for a categorical assurance that, in the event of the franchise being awarded to another operator, it will continue at least with the current level of service and that trains will continue to stop at stations throughout the north-east of Scotland, particularly at Arbroath and Montrose in my constituency. If a new operator sought to cut down those services, that would have a terrible effect on the north-east of Scotland.

We need investment in the line. We need electrification. We need, eventually or as quickly as possible, a high-speed rail line, but in the meantime, we must at least maintain the service that we have; I seek an assurance on that from the Minister. Lord Adonis will be having a meeting with interested Members of Parliament on Monday, at which I hope he will say more about that. I stress that, for my constituents and for the north-east of Scotland, that is the important point.

11.51 am

Shona McIsaac (Cleethorpes) (Lab): I, too, congratulate my hon. Friend the Member for City of York (Hugh Bayley) on securing this important debate.

Casting my mind back a few weeks to a debate in Westminster Hall on rail services to Grimsby and Cleethorpes, I recall that I mentioned that National Express was discussing putting in a direct service to those towns from the capital city, so, unlike my hon. Friend the Member for Selby (Mr. Grogan), who can see his constituency on the board at King's Cross, we have not quite got that far yet. Therefore, my main question to my hon. Friend the Minister is what will happen to those future developments on the line? Is it still possible for us to get the one return service a day from King's Cross to Grimsby and Cleethorpes that was promised, particularly given some of the major industrial investment along the Humber bank at the moment?

[JOHN CUMMINGS *in the Chair*]

11.53 am

Sir Alan Beith (Berwick-upon-Tweed) (LD): I am glad that we are having this debate. I want to contribute briefly to it because of the vast importance of the east coast main line to the north-east of England and to eastern Scotland. Two companies have walked away from the franchise. We cannot go on like this. We cannot have repeated franchise abandonment, because it has a demoralising effect on staff, it causes a loss of confidence among customers, particularly among business customers, who plan over a long period, and there is the danger that we will not get rolling stock improvement and acquisition that is badly needed, given the tired state of some of the rolling stock on the service at the moment.

I shall mention in a moment what should now happen with the bidding process, but first I express the hope, which other hon. Members have expressed, that some recent grievances are dealt with as a side-benefit of the disaster of National Express's walking away from the franchise. Let us put a stop to the nonsense of installing ticket barriers, not just at York, but at Newcastle and other stations, which will bring to the railway system the disadvantages of air travel. One of the competitive advantages of that system is that it is easy to get on a train and there is less danger of people being caught in a queue and missing it. Let us also get rid of the odious seat reservation charge, which was one of National Express's most foolish decisions.

I am particularly concerned that the Minister ensures that in any new specification, including for the period of public ownership, services from Berwick and Alnmouth and the limited service from Morpeth are maintained. Given that the Secretary of State has committed himself to improvements, can we please have some real effort behind the improvement of car parking at Alnmouth and Berwick and the introduction of a proper train information system at Alnmouth, so that passengers are not left standing on an empty platform late at night with not the faintest idea of whether a train has been delayed or will arrive? Every station that I go to in the south-east of England has an efficient train information system, and many stations in other parts of the country have such provision. Alnmouth station ought to have that, particularly because there are periods when it is unstaffed.

I do not want the service to be split between several operators, as the hon. Member for City of York (Hugh Bayley) suggested. We already have three operators north of Newcastle—Arriva, CrossCountry and Northern—and we do not want to confuse the service more. I remind the Minister that Northern runs services on the east coast main line, including one to Belford that nobody can get on because there is still no rail platform there. I hope that the Minister will put his weight behind carrying that proposal through to a solution. I do not want the service to be further split between more operators and I do not want another failed franchise bidder.

I agree that there is merit in not rushing this process. I am attracted by the suggestion of my right hon. Friend the Member for Gordon (Malcolm Bruce), which he will no doubt develop when he catches your eye, Mr. Cummings, as I hope he will, on a public sector comparator on the line, at least for a period. That could be a positive way forward.

The line is essential to the region. The services from centres such as Berwick, Alnmouth and Morpeth serve a wide area and must be maintained. We want some consistency and confidence in the operation of this vital service.

11.56 am

John McDonnell (Hayes and Harlington) (Lab): We discussed the future of the rail industry in this Chamber on 3 June, when we predicted that franchises would be handed back within weeks. We were proved right. Concerns were raised in a submission by the National Union of Rail, Maritime and Transport Workers to the Transport Committee in October 2007 about the fact that, if the country went into recession and passenger numbers fell, there would be problems with the franchisers and that we would, as a Government, need to stand ready to intervene directly.

I cannot understand the nature of today's debate. Two franchisers have failed on this line in three years, yet the solution seems to be more franchising. I do not understand why we do not learn lessons from what has happened. National Express has taken the Government for a ride. It has made £500 million profit out of a public subsidy of £2.5 billion. It has increased the fares this year as follows: regulated at 6 per cent. and unregulated at 7.4 per cent. On the east coast and the East Anglia lines, it has laid off 750 workers. Cannot we get the message that we are being ripped off?

The proposal that we advanced when the south-eastern trains franchise company, Connex, went down was to put the line in the public sector. We wanted a public sector comparator at least to prove its worth so that we could see whether forms of public ownership could work elsewhere, but the Government reprivatised. A public sector comparator should be used as an example, because some believe that we can demonstrate that the public ownership option can work. If we had a comparator option, at least that would sharpen up the opportunities to increase the efficiency of other rail providers. That is the whole point.

Standing back from ideology, it is about trying to get a rational, pragmatic approach on how we go forward on the matter. I can think of nothing worse than rushing to reprivatise within 15 months, with the turbulence, yet again, of a franchise exercise. Remember the costs of franchising, which we discovered in respect of London Underground: £400 million was spent on consultants, accountants and others to set up a private finance initiative disaster. I am urging people to stand back.

Let me say one thing about the myths about British Rail. The last independent study, by Catalyst in 1995, said that, in comparison with the rest of Europe, for the levels of investment, British Rail was the most efficient service in Europe. We now know that infrastructure costs have gone up fivefold since privatisation and that fares have increased dramatically and impacted on the overall service. Therefore, let us at least come with some objectivity to the debate. On this exercise, at least allow us to have a public sector option, which will enable us to demonstrate that the public sector can have a role to play in the rail industry.

John Cummings (in the Chair): I am keen to call the winding-up speeches at 12.

11.59 am

Malcolm Bruce (Gordon) (LD): Thank you, Mr. Cummings. I will be very brief indeed.

Aberdeen is a wonderful place and it contributes an enormous amount to the national economy, but it is a long way from everywhere. One of the things that I think people have been most concerned about is that Aberdeen does not get a fair deal on railway services. Indeed, although there is a franchise from London to Aberdeen, very often the northern part of the line is the neglected part, as the hon. Member for Angus (Mr. Weir) will know.

We want to ensure that, first, there is a full operation of the line, that runs absolutely from London to Aberdeen, with a full service provided throughout the line. Furthermore, I believe that the case for a public sector comparator is a good one.

Secondly and lastly, we want to ensure that we have a sensible and competitive fare structure. It is ridiculous that people trying to book a long time in advance find that it is cheaper to fly than to use the railways. Surely a public owner could find a way to encourage people on to the railways rather than off them and on to air travel.

12 noon

Norman Baker (Lewes) (LD): I agree with all that my right hon. Friend the Member for Gordon (Malcolm Bruce) has just said, so I will not repeat any of it. Instead, let me pick up on the statement by the Secretary of State for Transport on the "Today" programme, which has already been referred to. I want to be very fair about it. The Secretary of State was responding to a press release from National Express; that is entirely different from a Government-oriented release coming ahead of a parliamentary statement. Therefore, I clear him on that count. However, there is an issue about Members of the House of Lords being in the Cabinet and there not being a statement in the Commons until half-past 7 that evening. The Government either need to have the Secretary of State making statements in the Commons, even though that would break procedure, or we must have the Minister of State making a statement in the Commons ahead of the Secretary of State making a statement. We cannot be treated like that again on major statements about this matter.

On the franchise offer, it is a sad state of affairs for Members along the east coast line and for others who are rightly concerned about the disruption, the uncertainty and the hiatus that is being caused, as well as the message that is being sent to the travelling public and, indeed, the consequences for public finances of yet another failure of the franchise. Clearly, there are lessons for National Express, but there are also lessons for the Treasury and the Department for Transport on how the franchise process works.

Richard Bowker said on behalf of National Express, when he launched the bid for the franchise:

> "We will not bid at levels that we think are unsustainable or undeliverable. There is no point in being a hero for a day and a villain forever more afterwards."

He seems to have got that calculation slightly adrift.

The DFT recognised that there was an issue about the level of the National Express bid, even if the Treasury did not. Dr. Mike Mitchell, the director general for rail in the DFT, told the Public Affairs Committee on 21 January that the east coast franchise had been placed at the Government's highest "red" financial risk and the DFT was quite rightly making provision for what would happen if the franchise fell over. As I say, that was way back in January. We then had further indications from National Express that it was in financial difficulty. As

[Norman Baker]

the hon. Member for Peterborough (Mr. Jackson) has already said, there were discussions over quite a long period between the DFT and National Express about the way forward.

In those circumstances, it is rather odd that the DFT is still not able to say whether or not it will invoke cross-default procedures for the other two National Express franchises. One might have thought that, after a number of months of anticipation, it would have the answer immediately to hand. Will the DFT invoke cross-default procedures for the other two National Express franchises, for East Anglia and c2c, which runs out to Southend and Shoeburyness, or will it not do so? We still do not have an answer to that question, so let me ask the Minister now when will we have an answer, because the uncertainty that applies to the east coast line is now affecting other franchise areas.

The Parliamentary Under-Secretary of State for Transport (Chris Mole): I just want to draw the hon. Gentleman's attention to the fact that cross-default does not come into play until the current franchisee hands the keys back, which has not yet happened.

Norman Baker: That is true, of course, but it means more months of uncertainty for people in East Anglia—including people in the Norwich, North area—and for people who live along the line out to Southend and Shoeburyness.

Indeed, there is an oddity about this business of whether or not National Express has defaulted. The National Express statement on 1 July made it plain that it had failed in discussions with the DFT—that is what National Express said—and it expected to hand the keys back, as the Minister puts it, late in 2009. Lord Adonis then made a statement, effectively saying that National Express had defaulted in all but name; he certainly gave the impression that it was a cast-iron case of the company defaulting. National Express then said, in a further statement in response to the Secretary of State:

"National Express East Coast is continuing to run the East Coast business... Despite suggestions that the Government is taking over the running of East Coast today, this is absolutely NOT true. Further comments that the National Express Group has "financial problems" which have led to it "defaulting" on its commitments to East Coast are also NOT true."

There appears to be some dispute between National Express and the Government. Of course, the possibility therefore exists that we will not have a default—at least, National Express maintains that that is a possibility—and that it will continue to run the east coast service, so that this debate will, in a sense, become unnecessary.

What is clear, however, is that the passengers on the east coast line, the members of the staff employed by National Express on the line and all those who depend on the line for economic reasons are in a period of uncertainty, which is causing disruption and problems for the economy, the future of the railways and those of us who believe in attracting people on to the railways and away from more carbon-intensive means of transport. The sooner that the matter is sorted out, the better. We cannot drift on with it for several months, although, unfortunately, that appears to be what will happen.

I believe that, if we are to have a default, it is right that we should have a cross-default invoked. Otherwise, the message certainly goes out to the industry that it can walk away from that which it does not like and keep that which is profitable. That would not be a satisfactory outcome for the taxpayer—we cannot have that. So the company has to pay a penalty if it walks away from the east coast franchise.

John McDonnell: National Express has released a statement that says:

"The Group would oppose any attempt by the DfT to cross default, in order to protect shareholder value."

Perhaps we can send a message from this debate that we will take National Express on, if necessary.

Norman Baker: I very much hope that the Secretary of State is looking at that issue. Indeed, reading between the lines—I do not know whether or not this is a fair assessment—the officials in the DFT were willing to look at a business arrangement involving a management contract and negotiations with National Express. To be fair to the Ministers, they said no to that. That is how I read the situation; perhaps the Minister can clarify whether or not that happened.

We have a cost in place already, of course. A new public sector company has been set up—the East Coast Main Line Company. Elaine Holt has been appointed to run that company and, no doubt, an infrastructure is in place. Therefore, can the Minister tell us how much has been spent already on the public sector body that has been set up to run the east coast main line in the event of a default? Is Elaine Holt already being paid for her job? What are her terms of employment? Furthermore, if National Express does not default, how much money will be wasted in the shadow process that has been established to date?

To pick up on an important local point, it is also vital, for stability, that the headquarters of the line remains in York. The hon. Member for City of York (Hugh Bayley) made that point himself and Andrew Waller, the Liberal Democrat leader of the city council in York, has made a similar point to me, so there is cross-party agreement on that important issue. As other Members have already said, if National Express finally defaults, we must look long and hard at where we go with that franchise and the franchise process more generally.

As other Members have already said, it seems quite clear that the idea of a public service comparator is sensible. First, it gives stability to that franchise; it lets people have confidence that there will be no further change of ownership, delivery and everything else within another 18 months to two years. Secondly, it enables the DFT, with those in the industry, to say, "How can we rearrange the franchise, so that we put passengers first? Let's have some passenger-oriented outputs, rather than simply having Treasury-driven outputs. What do the passengers want out of this?" That would drive up performance and not just on the east coast main line. By the way, I do not think that National Express is particularly bad, which was the point that the hon. Member for Angus (Mr. Weir) made. None the less, that process would still drive up performance and get rid of these nonsensical own goals, such as £5 reservation tickets and getting rid of some of the buffet facilities.

Some of those actions have cut costs but damaged passenger confidence in the service. We should therefore use that public service comparator to tell other franchise holders, "Well, this is happening on the east coast main line. It is very popular. Why don't you extend it to other areas of your operation as well?" Without that public service comparator, I do not think that we have the tools or the leverage to pull up the rest of the industry in a way that I would like.

There is a case for longer franchises, but they must be based on a five-year review period, to find out whether passenger-oriented targets are being met. If we drive things towards the passenger rather than towards the Treasury, we will end up with a better railway system than we might otherwise end up with. It is very important that the Government, having got in this situation partly but not entirely through their own making, now set some very clear signals about where the east coast main line is going, in what time scale and at what cost. The longer that we delay, the more uncertainty that we have, the more that the railway suffers, the more that the train passengers suffer and the more that the people employed by the railway suffer. Those are not outcomes that I wish to see.

12.9 pm

Stephen Hammond (Wimbledon) (Con): This is an important debate, as several hon. Members said, and I congratulate the hon. Member for City of York (Hugh Bayley) on securing it. He made some comments about the Conservative party and the view on franchising. He will know, if he has read our documents, that we have indicated that we think that there should be a quantitative as well as a qualitative judgment, and we agree that franchises should be longer.

The hon. Member for Selby (Mr. Grogan) quoted Lord Adonis and his wise words. I think that he will find, if he reads the rest of the article in the *New Statesman*—I do not have it with me today, but I read it last night—that Lord Adonis said that he was not starry-eyed and no one would want to go back to the bad old days of British Rail and a nationalised industry. I am sure that the hon. Gentleman will correct me if that is not quite what Lord Adonis said, but I am pretty certain that that is what the wise words are.

The hon. Member for Lewes (Norman Baker) says that he clears the Secretary of State on the point about the procedures, the announcements and the technicalities at 7 o'clock. I cannot agree, because if the Secretary of State was only responding to a statement from National Express, he assembled in 22 minutes a panoply of apparatus to put in place a takeover. If he was only responding—I know how the process works, having worked in the corporate world—he would almost certainly have seen that statement the night before and could even have instructed one of his Ministers to come to the House at 10 o'clock the night before and make a statement. The reality was that 12 hours after the stock exchange, eleven and a half hours after the "Today" programme and four hours after the House of Lords, the House of Commons heard about it—then and only then. I am sure that the Minister will say, "Ah, but the House of Commons could have accessed the statement at 7 am." Will he tell us exactly what was open at 7 o'clock in the morning? Was it the Library? Was it the Vote Office? Where could a Member of Parliament have obtained the statement from Lord Adonis at 7 o'clock in the morning?

Shona McIsaac: It is only fair to put it on the record and try to get the hon. Gentleman to acknowledge that there were plans to make the statement in the House of Commons much earlier. Several attempts were made to make the statement earlier in the day, but the Opposition—his party—objected to those timings.

Stephen Hammond: No, without wishing to pull the hon. Lady up, that is simply not true. It was indicated by her own side that the statement in the House could happen at 5 o'clock and Mr. Speaker rejected that. Also, as the Minister of State attends Cabinet, he is surely competent and should have been able to make that statement at 12.30.

The one thing about which we can all agree is that the Government rightly say that they do not want any impact on passengers. However, much of what is happening and much of this debate is still clouded by a huge lack of clarity and huge uncertainty. As the hon. Member for Lewes said, there is some dispute about what the company actually said and what the Government actually said. Can the Minister therefore confirm that the east coast main line franchise has not been nationalised, that National Express Group has not yet been stripped of its franchise—I think that he confirmed that in an intervention a few moments ago—and that it is still running the franchise until it fails to meet its obligations? When does he anticipate that those obligations will fail to be met? If, in the mad world that the Prime Minister seems to believe in, there was a huge bounce in the economy in the next month and National Express East Coast started to meet the obligations again, would all this be an irrelevance?

The statement that has been made requires careful examination. Are the Government convinced that the way in which they made the statement that they intend to take National Express into a public special vehicle, rather than allowing the franchise to go into default, will not have adverse legal consequences? The Government rightly said that they would not renegotiate the terms of the franchise. Can the Minister confirm today what meetings the east coast group had with the Government before 1 May? Can he confirm the report published in *The Sunday Telegraph* on 5 July that, if the Government had taken the options offered to them by National Express at that stage, the liability for the taxpayer would have been between £120 million and £200 million, not £1.4 billion?

Can the Minister confirm that there was a letter between the Department and National Express Group? There was an allegation in that regard in the 15 to 28 July edition of *Rail* magazine. It stated that

"a letter of May 1, on Adonis' behalf, allegedly discussed a deal which would have seen NEG renegotiate on and hand over a £100m compensation payment."

Can the Minister confirm that that letter exists and that there would have been a compensation payment of £100 million?

Hugh Bayley: I think that it is misleading to suggest that, if National Express defaults, that will cost the taxpayer £1.4 billion. It is clear that a publicly owned

[Hugh Bayley]

company running the service will make broadly the same surplus as National Express. I have talked to Andrew Adonis about that. There is no prospect whatever of the Department losing £1.4 billion.

Stephen Hammond: I will come on to the hon. Gentleman's point about exactly what the Minister thinks the forgone income and the income gained might be.

Are the Government satisfied that, as they will take over the franchise, the holding company's liabilities—the £40 million loan and the £32 million performance bond—are still liable? Can the Minister confirm that that is the cap to the holding company's liability? This is very important for the point about cross-default: can he confirm that the contract in existence is with National Express East Coast, not National Express Group? If so, there is a financial firewall between the holding company, National Express East Coast and the Government. That will certainly protect the company and adversely impact any possibility of the taxpayer or the Government being able to initiate cross-default.

The statement says that all other rail companies are fulfilling their contracts, but we know that there is a watch list in the DFT; that has been widely talked about. Can the Minister today talk about the arrangements that he is putting in place to ensure that the Government are doing their due diligence? If, in similar circumstances, they find another holding company making the same announcement, is it their intention to do the same thing?

On the point made by the hon. Member for City of York in his intervention, did the Government analyse the option of offering a management contract to National Express or any other operator? What would have been the cost and what potential income would have been generated? What is the total cost of the new public liability holding? The special vehicle—the public liability holding company—is to take over the day-to-day running of the east coast franchise. That is what the Minister of State said, but he failed to tell us exactly what capital the Government intend to put into that body. Exactly what working capital will they put into that body?

Clearly, in the period after National Express is taken over by the public liability holding company until the franchise is taken over, some income may well be generated. Does the Minister expect that the new company will derive substantially the same revenue and the same profit as the holding company? If not, will the Government say exactly how the shortfall between the total premium payment of £1.4 billion and whatever is derived will be made up? Has the Treasury given a commitment to pay extra money? Will fares increase, or will public transport be cut elsewhere?

The Government have rightly said that franchisees should not be able to run profitable franchises and hand back non-profitable franchises and that that would be the worst of all worlds, certainly for the user—the passenger—the taxpayer and other rail companies, because it breeds uncertainty. So far, threats have been made, but no action has been taken. We have had talk of other defaulters not remaining in the rail industry, and the Minister of State has talked about keeping all options open.

I accept that there is commercial sensitivity about whether we might want to exercise the cross-default option, but the same clearly does not apply—this is where I agree entirely with the hon. Member for Lewes—to legal advice that is not commercially sensitive and that relates to the circumstances in which the cross-default option may or may not be exercised. Crucially, if the Government have a contract only with the operational company, not the holding company, is there any potential liability for cross-default?

In a moment, the Minister will undoubtedly talk about the franchising system and use the fig leaf of the National Audit Office, which said that the system is "generally well thought through". Although the NAO uses the word "generally", we should be clear that that does not apply to the way in which the franchising process worked with the east coast main line.

How much blame can be attached to the Government? They introduced the franchising system; they specified the current franchise; they wrote the contract; and they capped National Express Group's holding company liability. They must therefore accept an amount of responsibility. We are not sure quite what the cost to the taxpayer will be, and we will be able to assess that only over the weeks and months to come.

12.21 pm

The Parliamentary Under-Secretary of State for Transport (Chris Mole): First, I congratulate my hon. Friend the Member for City of York (Hugh Bayley) on securing the debate and giving us an opportunity to discuss rail services on the east coast main line. Clearly, the subject is of interest to many Members of the House.

In addressing the many issues that have been raised, I doubt that I will be able to cover the swathe of hypotheticals offered by the Opposition Front-Bench spokesman, the hon. Member for Wimbledon (Stephen Hammond), which were invariably spurious.

The east coast main line is an exceptionally valuable asset in the national transport system. It provides the fastest surface transport between London and the Yorkshire and Humber region, north-east England, Edinburgh and beyond. It is also vital for freight, particularly as part of the link from major ports to distribution centres in large conurbations and to coal-fired power stations.

The east coast main line is a busy route, which is used by six of the 16 passenger train operating companies, two open-access operators, which my hon. Friend the Member for Selby (Mr. Grogan) mentioned, and freight operators. Its value is underlined by the demand to run additional services. Last year, for example, the Office of Rail Regulation considered applications for additional passenger services from not only National Express East Coast and the two existing open-access operators, but two aspirant open-access operators.

At this time, there is rightly a focus on the difficulties of National Express East Coast. However, before I talk about the Government's plans for the future of the franchise, it is worth reminding ourselves that the overall story of the east coast main line is one of success.

GNER was the first inter-city franchisee on the route and during its initial franchise it set the pace for the rest of the industry in quality and customer service. The

number of weekday services grew from 100 at privatisation to 112. In 2006, it grew again to the current 136, with the introduction of half-hourly services to Leeds.

The timetable is set to grow again, and my hon. Friend the Member for Cleethorpes (Shona McIsaac) will be pleased to hear that from December 2010 there will be an additional 25 services a day, including a two-hourly service between Lincoln and London. For the first time in many years, that service will provide a regular direct train service to her area.

Shona McIsaac: Not my constituency.

Chris Mole: Not directly to my hon. Friend's constituency.

Punctuality, which is passengers' No. 1 concern, has improved dramatically. It has risen steadily since National Express East Coast took over the franchise, with the moving annual average rising from 81.7 to 87.6 per cent. Daily punctuality levels are now frequently above 90 per cent., and several 100 per cent. days have been achieved.

We have seen tremendous innovation on the route, with wi-fi being introduced first to 10 trains and then to the whole east coast inter-city fleet—I have ambitions to see that on the service that I use every week. Stations on the route have also benefited from substantial and sustained investment, with the quality of the facilities being offered being recognised at places such as Durham, which was declared station of the year at the 2008 national rail awards.

Finally, we should remember that the inter-city east coast franchise is one of those rare breeds that return a premium to the Department, and that premium is reinvested in the railway industry. Events of the recent past may have reduced the premiums available, but we can still confidently expect a significant return.

The Department for Transport recently appointed a new franchisee to the South Central franchise following a strongly contested competition. That demonstrates the market's belief in the franchise system. The recent events surrounding National Express East Coast, the current inter-city east coast franchisee, have generated significant interest and debate. None of us takes any pleasure in the failure of a business or in a company's inability to fulfil its contract to the Government. My hon. Friend the Member for City of York asserted that train operating companies take all the benefit while the Government take all the pain, but I draw his attention to the fact that companies normally have revenue risk for four years, after which Government revenue support comes into effect. However, the revenue share mechanism commences from day one, so excess profits are immediately shared with the Government.

Mr. Stewart Jackson: Will the Minister give way?

Chris Mole: I would rather not because I have limited time.

The National Express bid was predicated on growth rates that, although reasonable at the time, proved undeliverable in the current economic climate. That has led National Express to conclude that it will be unable to maintain the franchise into the foreseeable future. The Secretary of State has made it abundantly clear that the DFT does not renegotiate franchises. At a point in the future, therefore, the DFT will take over the operation of the inter-city east coast franchise through Directly Operated Railways, a DFT company established for that purpose.

I should say to the hon. Member for Peterborough (Mr. Jackson) that the departmental officials who originally evaluated the bid judged it to be deliverable. The National Express bid was not the highest. I also reject his assertion that we spent five months negotiating with National Express. We have not negotiated with National Express and we never renegotiate franchises.

We plan to operate the business for about 12 to 18 months while a competition is undertaken to select a new private sector operator. The Government's role in running trains is purely short term, as required by the Railways Act 1993.

This is, of course, the second time in three years that an inter-city east coast franchisee has been unable to continue for the full duration of its franchise. In both cases, external economic circumstances were a factor, as was the inability of the bids submitted to withstand those changed circumstances.

Some have argued that those two failures demonstrate that the franchising system is fatally flawed. I disagree with that view. Across the industry, passenger numbers are at their highest since the 1940s, punctuality is above 90 per cent. and customer satisfaction is rising. That all points to the fact that we are talking about an isolated failure in an otherwise successful system.

There are two important points to remember in the current situation. First, the Government are protecting passengers by taking control of the inter-city east coast franchise. Our aim is to secure a seamless transition from National Express East Coast to Directly Operated Railways and to a new franchisee in due course. Secondly, the Government are protecting taxpayers by holding franchisees to their agreements and not renegotiating contracts, which some could interpret as reward for failure. Risk sharing and risk transfer are part of the franchise system. Franchisees must be able to shoulder the risk in hard times, just as they benefit in good times.

The hon. Member for Peterborough asserted that other operators have received revenue support sooner than four years into the franchise. It is true that the First Great Western franchise included a provision whereby revenue support became available after two years, but that was an exceptional arrangement.

John McDonnell: A written statement on the First Great Western franchise is being made today. Is this another key being handed back in?

Chris Mole: No, there is no indication that that is what the statement is about. Hon. Members will find that it is about performance against the recovery plan that was put in place for First Great Western. Franchise bids must be sustainable and deliverable in the long term. Franchisees must be able to stand behind their bids for the duration of the franchise. We expect nothing less.

The east coast main line is a long route with many stakeholders who have clear views as to what the franchise should provide, and I have listened with great interest to the views expressed today. Hon. Members will be pleased to hear that the DFT is preparing for a full public

[Chris Mole]

consultation on the new inter-city east coast franchise. I encourage all those associated with the route to participate in that valuable exercise, which will shape the next period in this important route's history. I think that that answers the five points raised by my hon. Friend the Member for City of York, as well as those raised by the hon. Member for Angus (Mr. Weir) on the service specification.

HM Prison Wellingborough

12.30 pm

Mr. Peter Bone (Wellingborough) (Con): It is a pleasure to serve under your chairmanship, Mr. Cummings. I thank Mr. Speaker for granting me this debate on an important and sensitive constituency issue. I am also delighted at the attendance of the Minister, and look forward to her detailed responses. She is known to be a rising star in the Government and is always willing to listen to a reasoned argument. The debate will not be party political, but I hope it will be constructive and deal with an extremely difficult situation.

In April, Her Majesty's inspectorate of prisons published a report on Her Majesty's prison Wellingborough. The report was damning and criticised many areas of the prison, including its cleanliness, governance and resettlement programme. After the publication of the report, whose findings followed an inspection in August 2008, the Ministry of Justice decided to put the prison out to market testing and has opened it up to bids from the public, private and third sectors.

Wellingborough prison had several problem areas, which were highlighted in the report, but I hope to show the significant improvements that the current team has made. I want to make it clear that I am not against the Secretary of State's decision to put the prison out to market testing. He is one of the very best members of the Government, and has kept me personally informed throughout the process. In fact, I received a telephone call at 6.30 one morning; it was the No. 10 Downing street hotline and I was told, "I have Mr. Straw on the line for you." "At that time in the morning?" I thought. "Downing street? Jack Straw?" Had there been a coup overnight? Had he become Prime Minister and was I about to be offered a job? Alas, the telephone call was about HMP Wellingborough.

Having received the report, the Secretary of State had to act; there was no way it could be ignored. He was right to put the prison out to market testing. However, I believe that the prison's current governance system could be the best equipped to improve standards there further. I shall do whatever I can to support the governor and prison officers in putting together the best possible bid. In the end, I want the bid that is best for the taxpayer and the inmates to win the contract to run the prison. I believe that a locally based business plan drawn up by the management and prison officers could be not only the best, but the most radical bid.

HM prison Wellingborough is a medium-sized category C training prison that was opened in the 1960s. Wellingborough has the capacity to hold 646 male inmates in nine residential wings. At the time of the inspection there were 635 inmates and 380 staff. When the prison opened, it was a borstal or young offenders institution, but it has since become a jail for adult male sentenced prisoners who are serving 18 months or longer. Much of Wellingborough's catchment area includes the London courts. At any one time about 40 per cent. of the prison population is from minority ethnic groups. The local Wellingborough population has a minority ethnic group of 11 per cent., but many of the inmates come from south of Wellingborough.

Despite the large amount of land surrounding HMP Wellingborough, the prison has not expanded as it could have to house the growing population. There is a

major problem with overcrowding in the prison—a situation that is, of course, common across the country. Yesterday, the prison population was 83,776, which is only 34 lower than the highest head count ever.

The report on Wellingborough by Her Majesty's chief inspector of prisons listed a number of areas that were poor in performance and needed improving. Several of those weaknesses were causes for real concern. They included failure to provide the basics of training and resettlement of prisoners. The report stated:

"We found 200 prisoners, around 30 per cent. of the population, locked in their cells during the core of the day."

However, I believe that highlighting some things as weaknesses would aggrieve the law-abiding people of our society. The report recommended that all prisoners should be given a shower and a free telephone call on their first night in the prison. Many people will find it hard to believe that a prison is failing because only a percentage of inmates can have a shower on their first night. Many people will also be aggrieved to learn that one way in which the prison was failing was in not providing prisoners with their own kettle. It is important to remember that it is a prison, not a holiday camp.

Of the more serious weaknesses highlighted in the report, drug abuse and the availability of drugs were a concern. There was significant evidence of bullying resulting from drug-related debt. The inspection report stated that

"42 per cent. of prisoners, against a 30 per cent. comparator, thought that it was easy or very easy to get illegal drugs within the establishment."

It went on to say that

"48 per cent. of prisoners compared with 27 per cent. in comparator prisons said that they had felt unsafe in the prison and 33 per cent. compared with the 21 per cent. comparator said they had been threatened or intimidated by another prisoner or group of prisoners."

However, it is important to state that the report's findings were gathered at the beginning of August last year—nearly a year ago. Since then, a huge amount of work by the governor and prison officers has resulted in major improvements.

Another concern from the report was that living conditions on the residential units on A to E wings were unsatisfactory and many areas of the prison were dirty and litter-strewn. There was also a problem with vermin. However, I understand that the cleanliness issues have now been resolved. Wellingborough is a training prison and it should prepare inmates for life outside following their release. The report found that there were

"insufficient activities for the 635 inmates and that these activities had not been planned or directed with a view to improving prisoners' skills and employability."

For a training prison that was a definite concern that needed to be tackled immediately.

I had hoped at this point to be able to give a list of improvements, as provided by either the governor's office at Wellingborough prison, the Ministry of Justice or the Minister's office, but unfortunately, despite several requests, the information has been refused. I received an e-mail from a civil servant that stated:

"Thank you for your e-mail. Unfortunately I don't think we are in a position to help you. As I am sure you understand, as Civil Servants it would be inappropriate to provide you with material that you would then use to argue against Government policy."

That is clearly absolutely unacceptable. Civil servants are there to provide information on a factual basis, not to provide only information that supports the Government's case. In a democracy it is vital that opposition parties should be given the fullest possible data so that they can create well argued critiques of Government policy. The e-mail implies that if I had been supporting Government policy those concerned would have been happy to supply the information, but because I might have been arguing against Government policy it was withheld. It was not as if I was asking for national security details.

The Minister of State, Ministry of Justice (Maria Eagle): I am not familiar with the e-mail that the hon. Gentleman cites, but I would be happy to take it away at the end of the debate and make inquiries. As a Minister, I would expect my civil servants to provide factual publicly available information to Members of Parliament who request it.

Mr. Bone: I am grateful. I did not want to get the civil servant into trouble, but I shall give the e-mail to the Minister. I merely wanted to know what improvements Wellingborough prison had made since the report was compiled. I know that those details are available, but I simply could not get hold of them. The information I am using today was either obtained as a result of research by my staff or provided by the Prison Officers Association.

I seek clarification on the criteria that the Government use to propose prisons for market testing. In a written answer, the Minister stated:

"Public sector prisons were short listed for market test if identified as either poorly performing or high cost. Final selection... was made on the basis of a number of operational criteria and took account of wider evidence, such as HM Inspectorate of Prisons reports."—[*Official Report*, 16 June 2009; Vol. 494, c. 283W]

HMP Wellingborough is cost-effective. According to the Prison Offices Association, it is the 12th most cost-effective of 37 category C training prisons. In 2007-08, the average cost for a category C training prison was £23,471 per place per year. In the same period, the cost of Wellingborough was £21,311 per place per year. That is a saving of £2,160 per prisoner and 9.2 per cent. less than the national average.

I believe that the current local management team and prison officers at HMP Wellingborough should remain in place after the market testing exercise because of the prison's ability to make significant improvements at a time when funding for prisons is low. On the 2008-09 third-quarter weighted score card, Wellingborough was the fourth most improved state prison in the country. Given the current improvements, if the prison was inspected now it would not be considered for market testing.

In the improvement areas of reducing offending, decency, diversity, equality and security, Wellingborough met half the targets. On organisational effectiveness and maintaining order and control, it achieved 80 per cent. of the targets. Those currently involved in governance at the prison have worked hard to improve standards for the inmates and for the taxpayer. It is clear that this is not a high-cost prison, and given the recent improvements it is not poorly performing.

[Mr. Bone]

It is important to consider what effect the proposed private sector takeover has had on the prison staff. The publication of the report and the subsequent decision to put the prison out to market tender has of course had an effect on staff morale. Through my "Listening to Wellingborough and Rushden" campaign, I have met with the prison governor and his officers. The prison officers at Wellingborough do a hard job in difficult circumstances, and it has not been made easier by the overcrowding problem.

I went to listen to the concerns of prison officers over the pay dispute, on the picket line outside Wellingborough prison. I found the officers to be genuine and hard-working, but they loathed being outside the prison rather than inside looking after the inmates. At the time, they had a real grievance. By law, they were not allowed to go on strike and their pay on return was set by an independent tribunal. The Government backtracked on that independent review and did not fully implement it. They were wrong, and I told them so. On 25 March 2008, in a debate in Westminster Hall, I said:

"As there is a prison in my constituency, the final point that I should make is that when the prison officers went on strike, I went to talk to them on the picket line. They are a terrific bunch of men and women, who dedicate their lives to public service. To be on a picket line was unnatural for them—they did not want to be there. They could not wait to get back to the prison, but they had been driven into a situation in which they felt they had no alternative. The Government were wholly wrong to break an agreement".—[*Official Report*, 25 March 2008; Vol. 474, c. 34WH.]

Recently, I had a meeting with the prison governor to discuss the improvements that have been made at the prison and to listen to his plans to make a bid in the market testing exercise. I also met a local prison officer and a representative from the national union. I note that local prison officers care so much about Wellingborough prison that they offered their assistance, supporting the market testing bid despite the national union's opposition. The Prison Officers Association fully supports Wellingborough's bid and will assist the governor in that application.

The Prison Officers Association has many concerns about privately run prisons, which it says can be cheaper than state prisons only because they have cheaper staff costs and lower staff levels, leading to a greater number of assaults on staff. I, too, have concerns about privately run prisons. From recently published information, it would seem that private prisons are on average not as well run as those owned by the state. As a Thatcherite Conservative, I believe in the private sector and that in competitive areas private solutions are normally best, but we are talking about a public service for which there is no marketplace and no real competition.

Data recently obtained under the Freedom of Information Act 2000 by More 4 News has shown that private prisons in Britain are performing worse than those run by the state. Four of the 10 private prisons assessed under the prison performance assessment tool scored the second lowest rating of 2, which is classed as requiring development. Those low ratings brought the average performance of private prisons below that of state-run prisons. In the third quarter last year, the average overall score for private prisons was 2.6 out of a rating total of 4. In state-run prisons during the same period, the average was 2.85. Moreover, separate figures released under the Freedom of Information Act show that nearly twice as many prisoner complaints are upheld in private prisons than are upheld in state-run institutions.

I pose a number of questions to the Minister; I have given her prior notice of them. First, what criteria were used to determine specifically whether HMP Wellingborough should be market tested? Secondly, if a prison rated poorly performing improves in every area, is it not possible for it to have another inspection before the deadline for bids closes? Thirdly, when does the bid for taking over the contract to run Wellingborough prison close? What is the date?

Fourthly, what information do the private and public sectors have to provide for a bid to be accepted, and is that information the same for both sectors? Fifthly, if the local management team wins the bid, how will it operate? Will it be like a management buy-out? Will the prison be run independently or be reabsorbed into the National Offender Management Service? Sixthly, what criteria will be used in determining what bid should be successful? How much weighting will be given to the cost per prisoner? How much weighting will be given to education and retraining, and how much to security?

Seventhly, who will determine the bid? Will it be an independent body or the Secretary of State? Eighthly, will the bids be published in full, so that taxpayers can see what was on offer? Ninthly, on exactly what date will the bid be awarded? Finally, if two bids are deemed to be roughly equal, will preference be given to the private sector or the public?

I hope I have demonstrated that Wellingborough prison has improved significantly since its inspection last year. I want that improvement to continue, whether it be in the public or the private sector.

12.49 pm

The Minister of State, Ministry of Justice (Maria Eagle): I congratulate the hon. Member for Wellingborough (Mr. Bone) on securing this debate and welcome the opportunity to discuss not only HMP Wellingborough, but prison competition policy more generally.

The Government have a duty to the public to provide efficient and effective prison services—I do not think that the hon. Gentleman took issue with that—and the system must both punish and reform offenders, while protecting the public. Investing in prison and probation services has been a key priority for the Government: prison places have increased by about 25,000—to 85,000—and spending has risen by a similar proportion, while the probation case load has risen by 52 per cent. and spending by 70 per cent. in real terms. We are the first Government since the second world war to oversee a sustained reduction in crime: crime is down 39 per cent. since 1997, the chances of being a victim are the lowest for a generation and adult reoffending fell by 23 per cent. between 2000 and 2006. Those statistics are in no small part a tribute to the entire criminal justice system and, in particular, to the work done by staff in the prison system. I therefore pay tribute to staff at Wellingborough prison and across the system for the often difficult and sometimes dangerous work that they do. They often deal, on a daily basis, with difficulties that many of us would find difficult to handle on a one-off basis.

Our approach to building on our achievements was outlined in a statement made to the House on 27 April by my right hon. Friend the Secretary of State for Justice and in the accompanying document. An element of the policy is to increase the use of competition in prisons and probation. We are using competition to challenge existing service providers—in the public and private sectors—to improve performance, to encourage new entrants into the prison and probation markets, if that can increase efficiency and innovation, and to provide better outcomes for communities and the taxpayer.

Initially, we sought to deliver the efficiency improvements through the work force modernisation reform package, which was based on a three-year pay deal for staff in public prisons—it was worth more than 10 per cent. in cash terms over the period—linked to necessary but limited reforms. Despite the fact that initial negotiations appeared successful, the Prison Officers Association and the Prison Governors Association turned down that negotiated deal. We made it clear to all the trade unions with which we negotiated that the rejection of work force reform would lead to accelerated market testing, and through that programme, we are now seeking to deliver some of the required efficiencies.

A 2005 Department of Trade and Industry report on market-based approaches found that introducing competition among suppliers can lead to lower costs and better quality services. I am not about to argue that one sector or another, whether the public or private, as in this case, always does better than the other—that would be an ideological approach that I do not take. However, we need continuous improvement. Greater competition in the market for prison services will ensure an impetus to improvement, and we shall select the organisations best able to deliver our services efficiently, whatever sector they are from. That is part of what the competition policy is about.

The hon. Gentleman sought some background on how the decision to market-test at Wellingborough was reached. All public sector prisons were considered on the grounds of performance and cost. A shortlist of candidates was produced containing all prisons either seen as high cost, relative to similar prisons, or where performance was rated at level 2 or lower for two or more consecutive quarters according to our published performance ratings. He made some fair comments about Wellingborough prison's performance difficulties over the past few years and highlighted some findings in the most recently published report by Her Majesty's inspectorate of prisons.

The hon. Gentleman is quite right that a level 2 establishment is defined as "requiring development". In general, the National Offender Management Service views such an establishment as one that is basically stable, secure and providing a limited but decent regime, but that is experiencing significant problems in meeting targets and/or major operational problems. In quarter 4 of 2008-09, there were 18 prisons at level 4, 98 at level 3, 17 at level 2 and none at level 1. In addition, 48 prisons were identified as being relatively high cost, with potential savings of £500,000 or more available over the spending review period. Wellingborough prison was assessed as providing less than that in potential savings.

HMP Wellingborough has, however, been assessed as a level 2 establishment for seven consecutive quarters since quarter 2 of 2007-08—more than 21 months. Further evidence was available that improvements are necessary at Wellingborough. The hon. Gentleman himself referred to the recent report by Her Majesty's inspectorate of prisons. In August 2008, the chief inspector described Wellingborough as one of the weakest prisons recently inspected. The report states that nearly half the prisoners surveyed feel unsafe, owing to the high level of bullying, and that Wellingborough fails to provide the basics of training and resettlement, which should be at the core of its work. The hon. Gentleman very fairly set out some of those conclusions.

The final selection from the shortlist—whether based on high costs relative to similar prisons, poor performance or a combination of the two—was made on the basis of a number of operational criteria. Those included the future direction of our capacity programme, potential market interest in the establishments and the location and condition of the prison. On that basis, Wellingborough and Birmingham prisons were selected as the leading candidates to be market-tested this year. I want to make it clear that we view competition not as a punishment tool, but as a way to encourage improvement. From what the hon. Gentleman said, it is clear that the poor inspection report and ongoing low rating have provided a spur to improvement at Wellingborough prison. That is good. The public sector provider could mount a bid. As my right hon. Friend the Secretary of State made clear, we encourage and welcome strong public sector bids in these competitions, and I hope that Wellingborough prison can make a bid that offers the greatest value for money. If it does, it will be awarded the contract.

I shall answer some of the hon. Gentleman's specific questions. I hope that I have already answered his question about what specific criteria were used to determine whether HMP Wellingborough should be market-tested. He also asked whether, if a prison rated as poorly performing improves in every area, it could be inspected again before the competition policy is applied. We have announced a market test at Wellingborough and Birmingham, and to be true to our word, we need to go through with them to show that we are serious about the competition policy, which we are. I am encouraged that, as he said, improvements are being made at Wellingborough and that a great effort is being made. That will improve the public sector provider's chance of winning the competition—if it makes the best bid, it will win the competition.

The hon. Gentleman asked when the bidding process for taking over the contract to run the prison will close. I cannot give him a precise date, but it will be launched later this year, and I expect it to take about eight months to complete the process and announce a winner. He also asked what information the private and public sectors have to provide to have a bid accepted and whether the information is the same for bidders from both sectors. All bidders will be required to submit information on the same areas, and the information requirements will be set out in the information-to-tender document, which will be published after the launch of the competition. It will be clear at that stage precisely what is being asked and what kind of information will be sought. There will be a level playing field in that sense.

The hon. Gentleman asked how, if the local management team wins the bid, it will operate. Will it be run independently or go back to being run as part of

[Maria Eagle]

NOMS? If a public service provider wins the competition, the ongoing relationship with NOMS and the relevant director of offender management will be managed through a service level agreement, which is very similar to the way in which—

John Cummings (in the Chair): Order. We now move to the next debate.

Adults with Learning Difficulties

1 pm

Mr. Andrew Smith (Oxford, East) (Lab): I want to raise some vital funding issues that could have a profound impact on the care and support of nearly 1 million of our fellow citizens who are learning disabled or who have significant learning difficulties. Many of them are in a vulnerable position. We have a particular duty to speak up for such people because, in many cases, they are not in a position to do so for themselves.

Although the funding pressures were drawn to my attention by Oxfordshire county council, which provided me with an excellent briefing, their impact will be felt throughout England, especially in those areas in which the council is on the floor of the revenue support grant settlement. The difficulties to which I refer arise from the transfer, from 2011-12 onwards, of social care funding for adults with learning disabilities from the NHS to councils, which have a responsibility for social services. Such difficulties are compounded by the local government revenue support system and by the rising need for support for learning disabled people.

The transfer itself, the initial stages of which were due to complete last month, is right in principle; learning disability is not an illness. The individuals concerned require varying degrees of domiciliary, community and accommodation support, and it is right that such support is provided through the social care system. The transfer of responsibility covers the wide range of social care services, such as domiciliary and personal support, training and counselling services, day centres and day services, short-break centres, supported accommodation and residential care. I understand that primary care trusts will continue to fund and commission NHS specialist staff, such as community nurses, psychiatrists and speech and language therapists, as well as assessment and treatment services.

There is a problem with the financial aspects of the transfer. For example, what level of provision will be made at the point of transfer, and how will it increase in future years? The initial amount to be transferred is being agreed between each local authority and the local PCT, and is largely based on historic expenditure. I understand that that has been difficult to work out, and that it varies across the country. Moreover, the transfer is taking place from an NHS budget that has increased more rapidly than local authority financing and is likely to continue to increase at a faster rate than that of local authorities. Even if the initial transfer is at a fair and adequate level—it is not hard to see how that might be the subject of dispute—the danger is that the budget could be squeezed in future years because the combination of Government and council tax payer funding cannot keep pace with the required growth in costs. That problem is particularly severe for councils such as Oxfordshire which are on the floor of the revenue support grant.

Figures given to me by Oxfordshire show the scale of the problem. Initial estimates suggest that some £21.5 million or more will transfer initially from the PCT to the council. However, if we use a GDP deflator of 2.75 per cent. to predict inflationary costs in future years, that cost will rise to £23 million in 2012-13 and £24.7 million in 2013-14. In practice, the cost pressures are likely to rise significantly faster than that because

more learning disabled children are surviving at birth and, happily, more of those who do are living into adulthood. Now, if the cost has to be met from within general revenue support and council tax funding, the amount available to pay for it in Oxfordshire will only go up by 1 per cent. a year because Oxfordshire, like a number of other authorities, is on the grant floor. Therefore, even if the transfer is adequate in year one, in year two, in Oxfordshire's case, there will be a shortfall of £1.3 million, and one of £2.8 million in year three. The gap will continue to widen by £1.8 million a year.

The implications of that can be translated into a council tax pressure, which Oxfordshire estimates would amount to 2.6 per cent. over and above the council tax the authority would otherwise plan, or £33 a year on a band D council tax payer, and that would go on rising by at least £13 a year—probably significantly more—because of demographic pressures, to which I referred earlier.

I understand that the Department of Health has done some work and come up with similar conclusions. It talks of the risk of substantial gaps in funding, big variations across the country and particular problems facing social services authorities that are on the revenue support grant floor. There is a real danger here of us drifting to disaster in the funding of services for learning disabled adults. The consequence could be a mix of cuts in services, which would be totally wrong and unacceptable given that such services are already hardly adequate in many areas; cuts in other services that will already be under pressure, not least in Oxfordshire by the council's decision to cut staff by 10 per cent.; and significant increases in council tax. The only fair way to resolve the situation is to protect the funding of services for learning disabled adults by accompanying the transfer—from NHS to local councils—with a permanent specific grant, ideally based on need and not simply the initial transfer value, and increasing that each year, taking into account increasing need.

I know that idea runs counter to the generally sensible vogue for removing ring fences and specific grants to local councils and putting the money into general revenue support grants, so that councils can make decisions based on local priorities. However, in this case, it is not only justified but necessary if we are to ensure that funding for support for learning disabled adults is to be provided at an adequate level.

One other option would be to ensure that the revenue support grant settlement took full account of the needs of adults with learning disabilities, but that would not be easy to resolve. If the Government were to go down that route, there would have to be some particular provision for councils that are on the revenue support grant floor and subject to the squeeze that I described earlier.

I hope that, in his reply, my hon. Friend the Minister can make the following assurances. The first is that the Government are on top of the issue and looking with urgency at how it can be resolved. I know that, when policy issues involve significant sums of money, more than one Department and have inherent complexity, it often takes longer to sort them out. This challenge needs to be gripped and sorted, and I hope that my hon. Friend will assure us that that is happening and that he will go from this debate and talk to his Secretary of State and senior officials to ensure that it is.

Secondly, I hope that my hon. Friend can assure us that there will be close consultation between organisations representing learning disabled people, such as Mencap, other interested parties, such as the Local Government Association, and councils, such as my own in Oxfordshire, which are potentially so adversely affected. I hope overall that he can assure us that some means by which to protect funding for services for learning disabled adults will be found.

The Government will today set out important options for the future of social care, and it is crucial that the needs of learning disabled people are not only remembered but at the forefront of our thinking. The challenge of future funding must be turned into an opportunity properly to fund and support the quality of life of learning disabled people. I look forward to the Minister telling us the Government's plans to do just that.

1.10 pm

The Minister of State, Department of Health (Phil Hope): I congratulate my right hon. Friend the Member for Oxford, East (Mr. Smith) on securing this debate. He rightly focused his remarks on the longer-term consequences of the transfer of responsibility for the commissioning and funding of social care services from PCTs to local authorities. However, if he will forgive me, I shall first place that in the wider context of the Government's strategy to make policy to meet the needs of all individuals, which is the general direction of travel.

The focus of policy making in the past couple of years has been on the critical issue of putting people with learning disabilities and the people who care for and support them in the driving seat, which my right hon. Friend rightly supports. The focus is on giving them more control over the care and treatment that they receive. That philosophy was absolutely integral to "Valuing People Now", which was our three-year, cross-Government strategy published in January, and more recently to "Valuing Employment Now", which is all about creating real jobs for people with learning disabilities.

I am pleased to be able to tell my right hon. Friend that people with learning disabilities now have more control. Two thousand or so now receive direct payments that they can use to pay for the care or services that they want. People with learning disabilities have more freedom. Many more live in homes of their own and have the opportunities to enjoy a richer and more varied social life, and—I am sure that this is true in his constituency—many have better community-based support. For example, the number living on NHS campuses has dropped from about 3,000 in 2006 to 1,000 today. Overall spend on adults with learning disabilities increased from £1.7 billion in 1997-98 to nearly £3.5 billion in 2007-08, which is a £1.8 billion increase, equivalent to a 96 per cent. real-terms increase between 1997 and 2008.

I hope that my right hon. Friend agrees that a great deal has been achieved. We have laid down the blueprint for a fairer deal for people with learning disabilities across all public services.

Mr. Andrew Smith: I certainly endorse empowerment, independent living and the support to which people with learning disabilities must be entitled. The Minister referred to the 96 per cent. increase in spending. I am

[Mr. Andrew Smith]

not sure whether it is a coincidence, but between 1995-96 and 2003-04, local authority spending on services for people with learning disabilities increased by 96 per cent. That compares with a 72 per cent. increase in total spend on personal social services. Although the increase is welcome, does the discrepancy not show that meeting future needs will be likely to involve a proportionately greater demand from people with learning disabilities on social services budgets?

Phil Hope: I understand my right hon. Friend's point. Indeed, there has been a commitment by many local authorities to support adults in the social care system. That is to be welcomed and it is a sign of local authorities responding to the needs of their communities. The social care system has always involved a mixture of central and local government support for adults of all ages, including people who have retired. We could do more—despite the good things that have happened so far—to transform those health and social care services.

I shall explain what we are doing on transferring responsibility for commissioning and funding care for people with learning disabilities from the NHS to social service authorities, and the longer-term consequences of doing so. We want to promote better commissioning and services, both in PCTs and local authorities. I am very conscious that there is a patchiness across the country in that provision, which I believe reflects the lack of consistency in the commissioning standards of PCTs and local authorities.

My right hon. Friend will be aware that the consultation document, "Valuing People Now: From progress to transformation", proposed the transfer of learning disability social care commissioning and funding from PCTs to local government from April this year. We received more than 2,000 responses to the consultation on that principle, which he said he supports, involving more than 10,000 people. Seventy-six per cent. agreed with the specific proposal to transfer commissioning responsibility. That change will allow the NHS to focus on its primary health care responsibility for people with learning disabilities and, at the same time, give local authorities a lead role in delivering high-quality, community-based care services.

Of course, local authorities already have a role in delivering the transformation of social care and the goals set out in "Valuing People Now". That role will be strengthened when funding and commissioning are fully aligned. We are confident that that will result in better services for people with learning disability and services that are built around the needs of individuals.

In August last year, we issued guidance to all PCT chief executives and directors of adult social care setting out that policy intention. The guidance set out the key areas for transfer and those that will remain in the NHS. The transfer does not include resources for generalist or specialist health care, for forensic and offender services, or for continuing care.

For 2009-10 and 2010-11, the transfer of specialist social care funding for people with learning disabilities will be made locally from PCTs to local authorities. All agreements should have been reached with the full involvement of learning disability partnership boards. I emphasise that because my right hon. Friend spoke about engaging people with learning disabilities and their carers and families in the process. By involving the boards, we are ensuring that people with learning disabilities and their families are fully involved in the decision-making process.

Where are we now? We asked local authorities and PCTs to reach a final agreement on the amounts to be transferred for 2009-10 by 31 March 2009 and asked them to confirm to the Department of Health that the transfer had been made locally by 30 June, which was a few days ago. More than 130 returns were made by 31 March and 50 per cent. of areas reported that they had transferred funds by the 30 June deadline. The latest estimates show that more than £1 billion has been agreed for transfer. However, we are still in the process of analysing the results as they come in.

Agreement has been reached in Oxfordshire, as my right hon. Friend probably already knows, and it is recognised as an area of good practice, with an established pooled budget and a strong commitment to joint working from Oxfordshire county council and Oxfordshire PCT. I am pleased to say that there are many examples of local authorities and the NHS successfully working their way through a multiplicity—that is how he put it—of difficult issues to agree a transfer sum in their report on the commissioning transfer process.

Mr. Smith: Did I hear the Minister correctly? If 50 per cent. had confirmed by the end of June, 50 per cent. had not. Does he share my concern about that? When will the figure become 100 per cent?

Phil Hope: My right hon. Friend swiftly picked up on the figures that I gave. He is right: the figures mean that half are yet to be completed. We have evidence from the returns that we have received of under-reporting in many areas, and there is a wide variation in the amounts that have been declared for transfer. He and I share that concern. It is critical that we have accurate returns on the total spend on social care by NHS bodies. For those returns whose figures look unusual or cause concerns, we are considering how the Department, in collaboration with regional colleagues, can support and validate transfer amounts. We are in the process of ensuring that we achieve outcomes across the country, but I am delighted that his local authority and PCT have reached an agreed figure.

What will happen from 2011 onwards? The intention is that allocations of social care resources will be made directly from the Department of Health to local authorities. That is how the future system will work; it will no longer go through the PCTs. We will consider the best way to achieve the allocation beyond 2011 after PCTs and local authorities have reported the outcomes of their local agreements and the results have been analysed at a national level in discussion with other Departments, including, as my right hon. Friend hinted, the Department for Communities and Local Government and the Treasury. He asked that I come away from this debate with that purpose in mind; he can be assured that his request is already in train. We are aware of the issue of different authorities being at different stages. It is a cross-Government concern that I, as the Minister with responsibility for care services, must discuss with my colleagues in other Departments, not least the Treasury.

Mr. Smith: Can my hon. Friend give me an assurance that the position of authorities such as Oxfordshire that are on the revenue support grant settlement floor and therefore subject to that particular situation will be addressed specifically?

Phil Hope: My right hon. Friend is trying to lead me into territory in which he, as a former Secretary of State, probably knows that I am unable to give commitments. I cannot say exactly what the outcome of the negotiations on 2011 and beyond will be. However, he has made a powerful point as a constituency MP on behalf of his county, pointing out in his earlier remarks and his question to me the consequences and possible impact of the system of floors and ceilings. I will ensure that his questions and comments are brought to the attention of those making such decisions. We are certainly mindful of his and others' concerns with regard to that question.

Not only will we have internal discussions about such questions, but we will consult on the determination of the allocations before we allocate directly to local authorities. We will of course consult local authorities, as well as NHS bodies, the Association of Directors of Adult Social Services, the Local Government Association and the NHS Confederation. We will consult others through the partnership boards, as I said, so that organisations such as Mencap that are represented on disability boards throughout the country will have their opportunity to contribute on questions such as those asked by my right hon. Friend.

Whatever happens, we know that PCTs and local authorities will need to work together to commission services. Although the transfer will move across local authorities, there is an important role for greater integration of health and social care services through joint commissioning, joint strategic needs analysis and joint working, so that individuals' needs are always treated in the round and they are provided with seamless services, whether care services, health services or both. The outcome must be in the best interests of those with learning disabilities. I cannot give my right hon. Friend the categorical assurance that he seeks in advance of those debates, but I can assure him that the consultation will allow those questions to be fully articulated so that Ministers in different Departments, not least the Treasury, will hear individuals' concerns.

Mr. Smith: I appreciate those commitments on consultation. Can my hon. Friend give any indication of the time scale in which the ultimate method for allocation for 2011-12 will be settled? Although 2011 seems a long way off in terms of planning local authority and central Government budgets, it is not. The firmer and earlier an indication is given, the better people will be able to plan.

Phil Hope: I am not sure that I can give my right hon. Friend a time scale today, as we are in 2009, although I take his point that the earlier that discussions can be had and concluded, the better, in order to enable planning. I emphasise that we must understand the patterns fully from this year's returns on the transfers being made in order to plan and model what the future should be like. Once the returns are in and we have analysed them, we will be in a better position to do that modelling and arrive at a timetable, which is an even bigger job of work to be done.

The transfers are not straightforward, as my right hon. Friend knows; he discussed how complex they can be. There must be sufficient resources to cover the job of commissioning, as well as other expenditure. Even if the transfer continues, we wish commissioning to be a joint process between PCTs and local authorities. There will be issues involving the Transfer of Undertakings (Protection of Employment) Regulations 1981 and so on that will need to be taken into account. The issues are not straightforward, but his point about "the earlier the better" is well made, and I will certainly draw it to the attention of those concerned.

It is worth reminding my right hon. Friend that the allocations to local authorities represent a range of factors in the decision about what should be allocated. Issues such as inflation, different demographics, relative need, deprivation, ethnicity and so on were all included in the discussions about working through formulas. We certainly want to ensure that local commissioning, through whatever allocations are made, take such factors into account as well.

I have emphasised the importance of joint working between the NHS, local PCTs and local authorities, whatever the transfer of resources is. We want to ensure that not only social care but health care improve. My right hon. Friend will know that we recently introduced a new directed enhanced service for annual health checks for people with learning disabilities. I stress that because it is important that doctors keep a close eye on the health of people with learning disabilities in order to pick up on any early warning signs and to be able to give them the necessary advice and referrals if they need help. We must ensure jointly that people with learning disabilities receive personalised plans to support both their health and their care needs.

My right hon. Friend will know that the NHS operating framework makes it clear that primary care trusts must secure health services that make reasonable adjustments for people with learning disabilities. We are working a lot with strategic health authorities on those issues as well. There is a lot going on. The system and the transfer are complex, but they need to be done at a pace that suits the issues that he raised about what will happen beyond 2011. We must ensure that we root our conclusions properly in factual analysis.

In conclusion, the transfer process is about improving services for adults with learning disabilities. It is the right thing to do, and we must take the time to get it right, not just for this year and the next but, as my right hon. Friend put it, so that future negotiations can ensure that needs continue to be met. I do not apologise for saying that we have put a huge amount of extra resource into the system, as have some local authorities. At one point, there was an £8 billion growth in spend. That demonstrates this Government's commitment to the people in most need.

Working in partnership, local and central Government, health and social care services and the third sector and other local providers must consider the needs of people with learning disabilities and how we can put resources in place to meet those needs and ensure quality of care and the principles of choice and control, in order to give people independence in living and to move away from old-fashioned ways of caring for people with learning disabilities into new ways of working. The personalisation of our services is critical. My right hon.

[Phil Hope]

Friend is right to raise the issue of funding for the future. I hope that he will work with me as we publish our care and support Green Paper today to take forward the bigger agenda of transforming our social care system.

Gypsies and Travellers

1.30 pm

Steve Webb (Northavon) (LD): I begin with a quote:

"members of the gypsy and traveller communities should have the same rights and responsibilities as every other citizen."

That is a statement of Government policy, as set out by the Office of the Deputy Prime Minister in circular 01/2006. I endorse that statement wholeheartedly. I recognise the important and diverse needs across our communities from Gypsies and Travellers to the settled population. I agree with the Government that both groups have the same rights and responsibilities.

I initiated this debate because I wanted to alert the Minister to the way in which the implementation of that strategy is failing on the ground. It appears to be an entirely proper process. Unmet need should be identified systematically and sites for Gypsies and Travellers found proactively and strategically. However, there is a feeling among the people who have contacted me that people do not have equal rights and responsibilities, but that there are separate rules and outcomes for different groups. The Government's goal of fostering community cohesion and undermining conflict is not being achieved because of that perception. I want to consider how the situation could be improved.

I will begin with the example of green belt development on the edge of communities. Many villages in my constituency are surrounded by green belt. When the children of families in such villages grow up, there is often nowhere in their village for them to live. When a house becomes available, it is unaffordable for a young adult. Such people would dearly love to buy a piece of land on the edge of the village, build a house and live there, but they cannot because it is green belt. All too frequently, such land is sold to a Gypsy or Traveller family because the land is cheap. It is cheap because it is not possible to get planning permission to build on it, otherwise it would be expensive.

In some cases, the Gypsy or Traveller family will move on to the land at 5 o'clock on a Friday night, just as the council is clocking off. By Monday morning, there are hard-standings, driveways and connections to mains services. When the council enforcement process grinds into action, a planning application for a residential pitch is submitted. Because there is a planning application, the council holds off on enforcement. The application grinds through the process of site visits and so on over many weeks and months and is eventually turned down. The applicant then appeals and the case goes to the Planning Inspectorate, which says that although the land is green belt, there are not enough proper Gypsy and Traveller sites in the authority, and it therefore gives permission. That happens time and again in my area.

Many Gypsy and Traveller sites are immaculate. I can think of one not far from where I live that looks lovely and is well maintained. We are not always talking about some scruffy caravans down the road. Some sites are a credit to the area that they are in. However, the problem is the sense that such things would not be allowed for the settled community and that a different set of rules apply for Gypsies and Travellers.

Mr. Andy Slaughter (Ealing, Acton and Shepherd's Bush) (Lab): Will the hon. Gentleman give way?

Steve Webb: I will not, because I am short of time.

The Minister might say in his response that, if the council had provided enough sites in the first place, such things would not happen. In 2006, my local authority, South Gloucestershire council, was directed by the Secretary of State for Communities and Local Government to produce a Gypsy and Traveller development plan document. The goal was for 53 residential pitches and 25 transit caravans, based on the Gypsy and Traveller accommodation assessment. We are halfway through the two-year consultation, but that process is being forestalled and undermined because sites that have been submitted as potential sites are suddenly coming forward for planning permission.

The Minister's office kindly contacted me before the debate to ask what I wanted to raise, and I mentioned the application at Hall End in Rangeworthy. That site has a complex history, but, in a nutshell, the council has been taking enforcement action for six years. It started when someone moved a caravan on to the site and started operating a transport business. They created track and hard-standing in a rural area. An appeal was dismissed in 2004. Even the High Court ordered enforcement by July 2008. For five or six years, the council has said that this is not a good site for caravans or buildings.

There have been planning applications for the site. In 2004, there was an application for a bungalow. That was rejected

"due to its location in the open countryside outside of defined settlements"

and was deemed "unacceptable in principle". Just a normal house was a no-go. In 2005, there was a change of use application for the stationing of one residential caravan for the personal use of the applicants. That was refused and a subsequent appeal was turned down because the applicants were not Gypsies or Travellers. Members of the settled community are not allowed to live in caravans in such rural areas because it interferes with the rural landscape.

Two years later, an application was submitted for five Gypsy caravan pitches with five hard-standings, five day rooms and driveways. A pitch could include a permanent caravan, a mobile caravan, a day room, driveways and so on, so five pitches could involve 15 or 20 caravans and buildings. After six years of enforcement action and the refusal of applications for a bungalow and a single caravan, the council recommended the acceptance of an application for five pitches.

Interestingly, council policy H12 for Gypsy and Traveller sites states that

"preferably sites should be within a reasonable distance of local services and facilities such as shops, doctors' surgeries and primary schools, though more remote sites may be acceptable".

The site in question is not a reasonable distance from any of those services and facilities. The council officer said that the statement that

"more remote sites may be acceptable"

offered a get-out clause, so that he could ignore all the desirable features of sites and approve the site. The site has shocking drainage. My understanding from the papers is that the sewage would be drained into a ditch. Although it is not a good place for a site, the council recommended approval and suggested a condition that

"the land is not occupied by persons other than gypsies and travellers. The criteria for considering the provision of a Gypsy and Traveller site is assessed against different criteria."

The officers recommended approval principally because of an "urgent unmet need" for such sites.

Despite the Government policy document on Gypsy and Traveller sites that states that everyone has the same rights and responsibilities, residents of villages see Gypsies and Travellers being treated differently in relation to green belt developments. Residents near Hall End have seen a piece of land that they could not put a bungalow or a residential caravan on being recommended for approval by the council for five pitches because it was a Gypsy and Traveller application. One can see why people become resentful—not because they object to Gypsies and Travellers having somewhere decent to live, but because they want one rule to apply to everybody. That is not happening.

In particular, I wish to draw the Minister's attention to the fact that the Hall End site was earmarked in the draft planning document, which in theory will not be finalised until 2010. It appears as though anyone who applies for a site that might be earmarked in that document will get planning permission. Perversely, there is now such pressure to give permission that the sites are not being prioritised through a systematic, rational and strategic system. Instead, pretty much anyone who applies will get approval to fulfil the unmet need.

Such approval conflicts with the Government's Gypsy and Traveller site strategy of May 2008, "Designing Gypsy and Traveller Sites: Good Practice Guide", which outlines 23 recommendations, one of which is that

"poorly located sites, with no easy access to major roads or public transport services"

should be avoided. That describes the Hall End site. The document advises that there should be

"Easy access to local services, and to social contact with other residents".

There will not be any at this site. It says that

"locations that are inappropriate for ordinary residential dwellings"

should be avoided. An application for a bungalow on the site was turned down. It even says that Travellers do not like isolation or great distances to facilities. The Hall End application therefore goes against not only what the settled population wants, but the preferences of Travellers. The applicant was not a Traveller, but the application was made for a Traveller site because other uses had been turned down. The document states:

"Sewerage for permanent sites should normally be through mains systems."

There is no mains sewerage on the Hall End site.

We can start to see how the Government's guidelines, policies and values seem right when we read them but, when it comes to an individual application, they get overridden because of the unmet-need figure. One resident has said that he thinks the whole development plan document process has been undermined. The local ward councillor and my Liberal Democrat colleagues—a group of people who are generally known for being sympathetic to the needs of Gypsies and Travellers and who are not know for being hostile—all opposed the decision to approve the application, because they felt that it was the wrong site. However, on the committee, they were outvoted

[Steve Webb]

by one by councillors from a completely different place in the authority. Again, in terms of local accountability, local residents feel that they have been ignored.

In the context of the DPD, the resident I mentioned told me in a letter that the decision to approve the application

"has seriously damaged the Council's reputation and members of the public now feel that the DPD exercise is purely a PR exercise and that all of the sites will now go through without consultation".

What set out to be a consultative and strategic process is being undermined, and I do not think that the Government ever intended that to happen. I think that they wanted a process, consultation, iteration, eventual approval and for things then to move forward, but what is happening is that the gun is being jumped almost daily.

So what about the DPD process? That process is now degenerating into what I would call planning anarchy—that is the sort of situation that we are in. How great is the unmet need? The Gypsy and Traveller accommodation assessment calculated that we needed an extra 73 pitches: 32 because of household growth, 18 based on unauthorised developments, nine from unauthorised encampments, 12 as a result of additional identified need—basically, from waiting lists—and two from people moving from houses on to sites. That gives a total of 73 pitches, which, minus the 15 vacancies, leaves 58 pitches as the target. However, that was two years ago. One of the problems is that things have changed since then, and because private authorised sites are being given the go-ahead all the time in our area, the council is working towards a target of 58 that is now out of date.

The target of 58 included sites that were unauthorised when the count was done, but because those sites are now authorised, double counting is going on. The needs of families have been met by authorising the site, but they have not been taken off the total because it was based on measuring unmet need and looking at unauthorised sites.

Within the authority area, as those private sites have become authorised, the illegal encampments have come down. In January 2008, there were 19 families on unauthorised sites, with 46 caravans. In January 2009—a year later—there are only 11 families on unauthorised sites, with 14 caravans. So there are half as many families, with a third the number of caravans. That is a sign that the unmet need is being met, yet the total target is still that from two years ago. In a sense, the authority is saying not that there is no unmet need, but that the figures are out of date and do not reflect what has happened since then, as private sites have become authorised. I hope that the Minister is willing to consider whether the authority has been given the right target. Likewise, when the assessment was done in October 2007, the council had 33 private site pitches. There are now 50 families living on authorised private sites with planning permission. So provision is being made, but no account is being taken of that in the process.

I should like to mention a couple of other sites in relation to which there are concerns that things are not being done consistently. A new supersite on Tanhouse lane, which is north of Yate, has come forward as a result of the classic case of the owner of the land applying for planning permission and, on being turned down, saying, "Right. I'll put it forward for a Gypsy or Traveller site." There is talk of having 10 to 12 pitches, which could involve up to 50 caravans, outbuildings and all the rest of it in, again, an unsuitable place. The residents do not feel confident that the unsuitability of the site will have any bearing on the decision, because they have seen what happened down the road with the Hall End site.

In addition, my colleague, Councillor Claire Young from Westerleigh ward, has alerted me to a proposed transit site on an industrial estate. There are good arguments for why there are problems with that site, yet residents and business people do not feel that they will be listened to, because of the drive to hit the numerical targets, which we question. Another example of how there seems to be one rule for one and one rule for another can be found in relation to the existing site at Bank road, Pilning in my constituency. Down the road, an additional site has been earmarked for consultation. As soon as it was included in the draft planning document, people with caravans moved on to the site, where they should not be. When we challenged the council, it said:

"the uncertain planning position of the site...means that it is not currently expedient for the planning enforcement team to pursue formal enforcement action against the number of caravans and/or pitches on the site."

In other words, once something is in the draft document, people move on and the council says, "Well, technically, we should move them off, but the land might get permission or be earmarked in a years' time, so we won't do anything." Residents are therefore saying, "Hang on a minute. This is a consultation document, yet the council is acting as if these sites have been given permission already and is not taking enforcement action." The site on Bank road is on a floodplain, and permission would never be given to build a house out of bricks and mortar there, so why is the site appropriate for Travellers? Again, there is a sense that the rules are not being applied evenly.

The underlying problem is the DPD process and the target that the council has been given. The figures are having unforeseen consequences, and I query them for two reasons. First is the reason that I have already given: over the past two years, private sites have been given the go-ahead, but they are not coming off the total that the authority is being asked to meet, so there is double counting. The other reason is that the main driver of the extra numbers is an assumption of 3 per cent. growth a year in Gypsy and Traveller numbers. My maths tells me that 3 per cent. compound interest for 24 years would double the Gypsy and Traveller population. Will the Minister clarify whether everywhere in the country is being asked to assume a 3 per cent. growth rate in the Gypsy and Traveller population? Presumably, if that is the assumption, the Gypsy and Traveller population should double in 24 years. The settled population will clearly not double in 24 years, so why is that the assumption for the Gypsy and Traveller population? Presumably, the figure would then double again in another 24 years. That number seems hard to understand or justify, yet it is driving what I call planning anarchy across the authority.

So where do we go from here? The DPD process is good in principle—it is right to try to be proactive and to identify future sites—but it is creating resentment among the settled community; people feel that there is one rule for one and one rule for another. Sites that are

not good are getting the go-ahead, which was surely never the intention, and the deliberative, consultative engagement process is being second-guessed on the ground.

I appreciate that I have spoken for slightly too long, but I ask the Minister whether he is willing to reflect on what I have said and whether he will meet me, council leaders and officers from the area to go through exactly what is happening on the ground. There is, quite properly, a willingness to identify sites for the legitimate needs of Gypsy and Traveller families, and rightly so, but the process is not working as it should. I was nervous about even choosing the topic for debate, because it is so easy to get it wrong. I am concerned that, if people such as the Minister and I say nothing about these issues—I believe that he, too, values equality and fairness—when there is legitimate concern among local residents, we will create a void into which something much more unsavoury will come. We all have a responsibility to ensure that that does not happen.

1.47 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Shahid Malik): It is a pleasure to be engaging in this debate under your stewardship, Mr. Cummings. I congratulate the hon. Member for Northavon (Steve Webb)—I hope that I have pronounced his constituency correctly; we were discussing how to say it earlier—on securing the debate.

The location of sites for Gypsy and Traveller caravans is important to the hon. Gentleman and his constituents, and I understand the concerns that he is articulating on their behalf. As he has said, it is vital that we discuss these issues constructively, in the context of the fair, decent and tolerant society in which we all wish to live. I completely accept his argument that it is important for people who believe in fairness to engage in such discussions. I think that he alluded to the fact that, if dealt with inappropriately, such matters can become quite toxic.

Fairness is what the Department for Communities and Local Government—my Department—and the Government are all about, but fairness does not mean treating everybody equally; it means addressing the different needs of different people. The need to provide adequate site provision for Gypsies and Travellers is a challenging one for local authorities, but that is just one of the many challenges that authorities regularly deal with, to provide balanced and fair services to all in their locality.

The hon. Gentleman will have considered the needs of his Gypsy and Traveller constituents alongside his constituents in the settled community. At the heart of the issues debated today is the shortage of authorised sites, which forces many Gypsies and Travellers on to unauthorised sites. The Government believe that everyone in the community should be given the opportunity to have a decent place to live. In England, that opportunity is not yet available to about one in five Gypsy and Traveller families who have no authorised place to live.

We are committed to increasing the number of authorised, good-quality sites, just as we are to increasing the supply of quality conventional housing, focusing in particular on the kind of local families who the hon. Gentleman mentioned, such as the young who want to stay in the area and the elderly. Increased site provision, alongside the effective use of enforcement powers and a joined-up approach between the various organisations with a role in Gypsy, Traveller and broader housing issues is critical to addressing the issues that we are debating today.

There are incentives for everyone—Gypsies and Travellers, local authorities and the settled community—to increase site provision. That will reduce unauthorised camping and the tensions that that can cause with the settled community. It will reduce the need for, and cost of, enforcement action, which is estimated to cost local authorities £18 million a year, thus leading to savings for local taxpayers.

The hon. Gentleman referred to some of his concerns about the maths, as carried out by his local authority. The regional spatial strategy will take full account of the Gypsy and Traveller accommodation assessment, provide the strategic framework for pitch allocations and advise on the number of pitches needed in each local authority. That recommendation will take account of new permissions granted. Councils can certainly take account of new permissions granted after the regional spatial strategy figures are agreed.

Members will appreciate that, given the Secretary of State's quasi-judicial role in the planning process, I can comment on neither the individual planning cases to which the hon. Gentleman has referred, nor the current position with regard to the regional spatial strategy in the south-west, in relation to which the Secretary of State is considering responses to the proposed changes published last year.

I am aware that there is a perception that the planning system is biased in favour of Gypsies and Travellers, and that is certainly the perception of many people in the hon. Gentleman's constituency. I would like to make it clear that the law applies equally in that regard to Gypsies and Travellers and to those in settled communities.

There is considerable evidence of a significant underlying need for site provision in south Gloucestershire. That is supported by several data sources, including independent research commissioned by South Gloucestershire district council as part of the west of England partnership that fed into the regional spatial strategy. I know that that was not the hon. Gentleman's primary argument, which was that some of the unmet need has, in fact, been satisfied. Therefore, it is an issue of the local authority and its maths. As I have pointed out, the local authority ought to be taking stock of those areas where permission has been granted.

The evidence shows that there is a clear and immediate need for more authorised sites, so I am pleased by the progress being made by the district council in preparing an allocations development plan document, which will identify appropriate locations for sites. I am aware that the consultation has just closed on some additional sites that the council had suggested, and no doubt there will be further consultation once it has decided which sites should be included. I very much hope that local residents and Gypsy and Traveller groups will play a full part in those consultation processes, as that is the best way to ensure a fully informed policy. Policies cannot always please everyone all the time, but if we can be confident that everyone has had the chance at least to contribute to the debate meaningfully, the council will be able to develop the plans fully, aware of all the facts.

[Mr. Shahid Malik]

In the interim, there remains a significant need for accommodation for Gypsies and Travellers in the district. I do not accept the view that applications for planning permission should not be considered until the development plan document has been completed. Even with the best endeavours of all concerned, that might take some time. In the meantime, proposals for Gypsy and Traveller sites should be considered by the local authority against existing development plan policies that are relevant. That is exactly what would happen with any other type of development in similar circumstances.

Steve Webb: When officers look at those applications, they list the emerging development plan document as a relevant factor, so the fact that it is even being consulted on is given weight. Therefore, the entire process is being second-guessed. We will get to the end of the consultation process, but most of the sites in the document will already have come on stream. Does not that undermine the consultation process itself?

Mr. Malik: I fully understand where the hon. Gentleman is coming from. I hope that I have dealt with some of his genuine concerns about how the maths works within the local authority. He asked me to meet him and other colleagues to discuss that in more detail, which I am certainly willing to do, because not only is that issue affecting the council in his constituency, but there are things that we can glean for elsewhere.

I believe that the hon. Gentleman has come to the debate in a genuine and responsible manner. It is an issue that many MPs are concerned about and that we have to get right. There are often issues of cohesion and community harmony at stake, and there are many misconceptions. He would be the first person to try to disabuse people of views that were not only repugnant in some cases, but simply wrong factually, and that element of incorrectness leads to some of the more distasteful comments that we sometimes hear in our communities. He is right to focus on fairness, because ultimately the challenge for us, in positions of responsibility, is to get the message across that things are occurring fairly, and where they are not, to deal with them in a way that gives people confidence that we are serious about fairness.

The hon. Gentleman also mentioned the population growth figures. In the absence of any locally available evidence, research has concluded that 3 per cent. growth is reflective of the population growth in that community. I cannot tell hon. Members how good that research is because I have not seen it—I passed a message back to my officials and they sent one back to me, and Members know how it works. I am more than happy to look at the figures as well, because it is important that people have confidence in them. Where there is a lack of confidence, that needs to be dealt with—it cannot be left to one side because it is convenient.

The framework put in place by the Government does not require local authorities to provide the sites, but simply to identify suitable locations. As with the settled population, many Gypsies and Travellers prefer their own sites. Some of them, however, will not have the necessary resources, so access to social rented sites will be necessary. That information should be incorporated within the authority's Gypsy and Traveller accommodation assessment. The Government provide significant resources to fund the capital cost of providing local authority or registered social landlord sites. Between 2006 and 2008, we approved £54.6 million of funding that will deliver over 400 additional pitches and refurbish 120 sites.

The south-west region has been allocated £9 million between 2009 and 2011. The grant is now administered by the Homes and Communities Agency, which will enable it to factor in the needs of Gypsy and Traveller communities as part of its single conversation with local authorities and delivery partners. Bids for funding in 2009-10 have now closed, but I encourage local authorities and registered social landlords to begin the work now to prepare bids for next year. The framework that we have put in place is crucial to making progress on site provision and, coupled with effective enforcement action and a joined-up approach on the issues, will help to create the kind of fair, tolerant and cohesive communities that both the hon. Gentleman and I would like to see.

I congratulate the hon. Gentleman once again on securing the debate and reiterate my commendation for the efforts being made in south Gloucestershire to address the issues discussed today and, importantly, to address them responsibly, of which both he and I are equally aware.

2 pm

Sitting adjourned without Question put (Standing Order No. 10(11)).

Westminster Hall

Wednesday 15 July 2009

[ANN WINTERTON *in the Chair*]

Abortion Law (Northern Ireland)

Motion made, and Question proposed, That the sitting be now adjourned.—*(Mr. Watts.)*

9.30 am

Martin Salter (Reading, West) (Lab): It is a pleasure to speak under your chairmanship, Mrs. Winterton.

When I was first elected to Parliament, I served on the Select Committee on Northern Ireland Affairs. Abortion law in Northern Ireland was an issue then and it will continue to be an issue until the Government fulfil their responsibility and grant equal rights to women in Northern Ireland. I have no doubt that this is an immensely controversial issue. Parliament has taken a fair old battering in recent months, but we right hon. and hon. Members are at our best when we do what we are sent here to do: to engage in the battle of ideas with mutual respect, particularly on difficult, controversial issues like this. I trust that this debate will be conducted with that in mind.

David Taylor (North-West Leicestershire) (Lab/Co-op): Will my hon. Friend give way?

Martin Salter: No.

I well remember campaigning with colleagues from the Northern Ireland Affairs Committee on a cross-party basis for the Belfast agreement in 1998. I campaigned with Sinn Fein in the Falls road in the morning, with the Social Democratic and Labour party at lunchtime, and with the Progressive Unionist party in the afternoon in the Shankill road. *[Interruption.]* I am afraid that my colleagues from the Democratic Unionist party were on the other side of the issue at that point. One thing that came through in talking informally to people was that, yes, this issue—sadly, in my view—unites the vast majority of politicians in Northern Ireland.

David Taylor: Will my hon. Friend give way on that point?

Martin Salter: No, I will not.

The single exceptions are Anna Lo from the Alliance party and Dawn Purvis from the Progressive Unionist party. I have immense respect for those two people, who have shown great courage in standing up for what they believe in. Other politicians in Northern Ireland, particularly in the Assembly, share their views, but in the prevailing atmosphere people feel that it is difficult to express them, or they feel uncomfortable doing so. We all understand that; we are all under pressure from our electors.

We should all be concerned about this matter. It is a human rights issue. It is staggering that anyone can sit back and believe that it is okay to treat certain United Kingdom citizens as second-class citizens, purely on the basis of where they live. This is happening to women in Northern Ireland on a daily basis.

Devolution is a good thing, and I have no doubt that the devolution argument will be made today.

Jim Dobbin (Heywood and Middleton) (Lab/Co-op): Will my hon. Friend give way?

Martin Salter: No.

We did not devolve this issue to Scotland. There are, in my constituency and others, people from all over the UK, whether from England, Scotland, Wales or Northern Ireland, who have the right to travel to have heart operations or to see cancer specialists. However, somehow, a woman from Northern Ireland facing potentially serious medical complications or even worse cannot travel and be funded for abortion services in the mainland in England. How on earth can that be right?

It will be said that this is not a matter for the Westminster Parliament. However, a significant e-petition on the No. 10 website has been signed by many thousands of people, and my hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott) tabled early-day motion 625. Of course, in May 2008, Northern Irish Members of Parliament had no compunction about coming to this place and voting to restrict the reproductive rights of my constituents, and they voted to reduce the abortion limit down to 12 weeks. I am afraid that anyone in this debate who trots out the argument that this is not a matter for Westminster has sold the pass.

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): Is my hon. Friend aware that, in addition to tabling an early-day motion, I tabled an amendment to the Human Fertilisation and Embryology Bill on abortion rights in Northern Ireland, in response to which I received hundreds of letters from men and women in Northern Ireland, saying that, on this matter, the four major parties did not represent them and that they looked to the Westminster Parliament to be a voice for women there?

Martin Salter: I am well aware of the strength of feeling on this issue. We are nothing—we are pygmy politicians in this place—if we do not stand up for the rights of people who feel that they do not have a voice. My hon. Friend is right to articulate the fact that many women—many people—in Northern Ireland feel that they do not have a voice on this issue.

Bob Spink (Castle Point) (Ind): Does the hon. Gentleman agree that the nearer to the people the decision is taken, the purer the democracy? People's views should be respected. The vast majority of people in Northern Ireland want to protect the unborn child and are absolutely right in holding that passionate view.

Martin Salter: I have great affection for the hon. Gentleman, but his argument blows apart if localism is taken down to its purist level, because the local decision of the individual woman herself is the one that we are defending.

Women in Northern Ireland have been waiting for more than 40 years to secure the same sexual and reproductive rights as women in the rest of the UK.

[Martin Salter]

The Abortion Act 1967 allows women in England, Scotland and Wales access to safe, legal abortion services. For women in Northern Ireland the situation is drastically different, because Victorian legislation—the Offences Against the Person Act 1861—is still in place there, which is a scandal. That means that women are only able to access abortion if their lives are in danger or if continuing the pregnancy would lead to severe and permanent harm. The penalty for obtaining an illegal abortion is imprisonment for life.

Northern Ireland women are living under a Victorian law created at a time of workhouses and child labour. Women were not even allowed the right to vote at that point, yet this law continues to govern the health and lives of women in Northern Ireland. The law in Northern Ireland is so restrictive that even a 14-year-old girl who had been raped or was a victim of incest, or even both, because that can happen, would not be able to access an abortion just because she had been raped or was a victim of incest. It is one of the most restrictive laws on abortion in Europe.

I have huge respect for people who raise moral issues in this Chamber and elsewhere, but it defies my comprehension that somebody could say to a 14-year-old girl who had been raped that they would, because of their particular religious beliefs and their own particular morality, force her to go through the agony of childbirth to satisfy their own moral code. I do not see what is particularly moral about that, but I respect people who have a different point of view.

David Taylor: I would guess that this is one of the rare debates in which my views and those of my hon. Friend are not closely aligned. Does he not accept that, with policing and justice powers on the point of being devolved to the Northern Ireland Assembly, it is quite probable that that Assembly will widen the laws to include reference to rape, incest and other issues? Is not that the forum in which these matters should be debated? He has been a strong supporter of devolution and I know that he still adheres to that point of view.

Martin Salter: I will touch on some of these points a little later, but I have already highlighted the inconsistency in respect of certain medical conditions: where there is no devolution people have a right for their travel to be funded, whereas in Northern Ireland that is not the case, solely in respect of abortion, even for rape victims.

For the vast majority of women in Northern Ireland who want access to safe, legal abortion services, their only option is to travel, either to the mainland or to other countries, such as Holland, and pay for an abortion procedure. Despite being UK taxpayers, women from Northern Ireland who travel to the mainland are unable to access abortion services that are available to women in the rest of the UK, free of charge through the NHS, which we all pay for, whether we are taxpayers in England, Scotland, Wales or Northern Ireland. They have to pay for their own travel, accommodation and abortion procedures, which can amount to £2,000 or even more. That is not okay, although it is manageable if one has £2,000, but many people in Northern Ireland do not have access to such cash, so their choices are limited.

Emily Thornberry (Islington, South and Finsbury) (Lab): One way forward, which would not be popular with all of us—compromise is always required—might be to allow women from Northern Ireland to have a free abortion if they came to the mainland. In that way, abortion would remain illegal in Northern Ireland, but it would be legal for a Northern Irish woman to have an abortion in England. That would be illogical, but at least it would allow such women access to free abortions.

Martin Salter: I thank my hon. Friend for her intervention, which is in the spirit of my early-day motion 1754 and early-day motion 625 tabled by my hon. Friend the Member for Hackney, North and Stoke Newington. That is the least that the Government should do—I am giving away the conclusion of my speech—and I do not want to hear Ministers washing their hands of the matter by trying to farm it out elsewhere.

I shall give a short case study, and I am grateful to organisations in Northern Ireland for providing me with the information. Susan—the name has been changed—is 37 and is married with four children. She has found that she is pregnant with her family's fifth child. She has recently moved back to Northern Ireland after living abroad for many years, and lives in a rural area where she has not built up a strong support network of friends, so she feels isolated. She believes that having another child would place unbearable pressure on her, her husband and their children. Since her husband lost his job 10 months ago, the family have been reliant on benefits and have no other financial or family support. That makes it impossible for Susan to raise £2,000 or £2,500 even to travel to the mainland to secure an abortion.

A myth surrounding abortion in Northern Ireland is that people there do not support a woman's right to choose. A survey by the Family Planning Association in September 2008 showed that almost two thirds of people—62 per cent.—in Northern Ireland support abortion following rape and incest, but it seems that our politicians do not. Furthermore, in its submission to the UN committee on the elimination of all forms of discrimination against women, the Equality Commission for Northern Ireland called for

"the same access to reproductive health care services and rights in Northern Ireland as are available in Great Britain".

It has been estimated that since the Abortion Act 1967 excluded Northern Ireland, about 70,000 women have travelled to England and overseas to have an abortion. For the past 40 years, women have voted with their feet.

Julie Morgan (Cardiff, North) (Lab): I congratulate my hon. Friend on securing this important debate. I do not know whether he took part in any of the meetings with women trade unionists from Northern Ireland, but there was strong support among trade unions for the measures that he proposes. They said that they were looking to us to help them.

Martin Salter: I thank my hon. Friend for that intervention. That is why we are here today.

A culture of secrecy continues to surround abortion in Northern Ireland. The majority of women who have abortions are unwilling to speak out about their experience because they fear the reaction from wider society, and sometimes from family and friends. The Family Planning

Association is the only organisation in Northern Ireland that offers non-directive, non-judgmental counselling and support services for women and their partners or families who are faced with a crisis pregnancy. Its office in Belfast is picketed four days a week—I have seen videos of that—by anti-choice protesters, including protesters from Precious Life. Those protesters not only harass women going into the building, but intimidate them by telling them that they will be waiting for them when they emerge. When the women leave, the protesters follow them to bus stops and train stations, and thrust false information and graphic photos in their faces. That is not moral or acceptable, and I would not dream of doing that.

We have been reading about the harrowing case of Sir Edward Downes and his wife who chose to go to Switzerland to die. Would anyone with a shred of morality harass people who have made a brave, courageous, controversial but personal decision about their right to take their own life? I leave that hanging, because I find it one of the more revolting aspects of how the debate is conducted.

Abortion is upsetting for women, and they may be distressed and need to access the Family Planning Association's counselling services. Northern Ireland is a small community, and a woman being followed down the street and shouted at is hardly inconspicuous. Despite the false information that the protesters give out, the FPA's counselling service offers a welcome opportunity for women to make their own choice. That is what this debate is about—women in a small part of the United Kingdom having the right to make a choice that is available to women in the rest of England, Scotland and Wales.

The culture of secrecy also extends to politicians in Northern Ireland—I touched on this earlier—and many are unable to admit that they are pro-choice because of their party's stated anti-choice policies. I have had dialogue with Northern Ireland politicians who felt that they were in a compromise situation. The secrecy around abortion in Northern Ireland permeates every thread of society, and masks the reality of what happens to women when they are faced with an unplanned pregnancy. It adds to the anguish and struggle that they face when making the decision and raising the money, sometimes without the support of family and friends. Such women decide to access safe and legal abortion services behind a veil of secrecy, and that is not acceptable in 21st century Britain.

In the past year, two UN committees have stated that abortion law in Northern Ireland needs to be amended. In 2008, the United Nations committee on the elimination of all forms of discrimination against women recommended that the UK should initiate a process of public consultation in Northern Ireland on abortion law. In line with general recommendation 24 on women and health and the Beijing platform for action, the committee also urged the UK to consider amending the abortion law to remove punitive provisions imposed on women who undergo abortion.

Regardless of whether the Government are devolving policing and justice, which includes abortion, to Northern Ireland, they should remember that to UN committees, Britain and the British Government are still responsible for the UK, which includes Wales, Scotland and Northern Ireland. By signing up to UN treaties, the Government have made a commitment to meet the obligations for all UK citizens, not just some. There is a strong and powerful argument that the Government are neglecting their responsibility to enable women in Northern Ireland to access safe and legal abortion services, as recommended by the UN committees.

I am sure that the Minister is aware that the Department for International Development supports the global safe abortion campaign, because that is stated on its website. The Government provided £4 million to the safe abortion action fund, and £6.5 million to women's health organisations. It is ironic to have one message for the developing world, and totally different values and messages for women in part of the United Kingdom. It is difficult to square that circle.

There is anecdotal evidence of women in Northern Ireland going online to buy medication to induce an abortion, even though that is illegal. Some women have accessed rogue websites, and received incomplete prescriptions or completely different substances. That could put their health in danger, and is a tragedy waiting to happen. The figures are there for all to see, and they show the number of deaths since 1967 as a result of people being so desperate that they will try illegal abortion methods. That is as much a moral issue as any other.

I do not believe that the Government whom I support do not care for women in Northern Ireland, or do not want to end the scandal of them being treated as second-class citizens in relation to their reproductive rights. The Minister may respond—Ministers have responded in this way in the past—by saying that this is not a matter for the Government any more. He may try to wash his hands of it, but I hope not. I say that it is an issue for this Parliament and for all Members of this House, as Northern Ireland Members have demonstrated by their willingness to restrict abortion rights for my constituents and those of other right hon. and hon. Members who are on the other side of the issue from them.

I ask the Government to commit themselves to extending the Abortion Act 1967 to Northern Ireland while they can still do so. I am not holding my breath for the response to that request, but if they will not do that, which they should, they could start by redressing the blatant inequality faced by women by providing funding for women who are forced to travel to access safe and legal abortion services, so that they can access them free of charge in the national health service that we all pay for. That is the very least that should be done.

Several hon. Members *rose—*

Ann Winterton (in the Chair): Order. Before I call the next speaker, I make a plea for contributions to be as brief as possible, because I have received many names of people wanting to speak, and obviously many people have risen wanting to speak. We must also have the winding-up speeches, which may themselves have to be slightly curtailed. I call David Simpson.

9.51 am

David Simpson (Upper Bann) (DUP): I welcome you to the Chair, Lady Winterton. I congratulate the hon. Member for Reading, West (Martin Salter) on obtaining

[David Simpson]

the debate. As he said himself, it is on an issue that is very controversial across the United Kingdom, including, of course, Northern Ireland.

Each time that the subject of abortion is debated or referenced in Parliament, I am struck by a number of things that quickly rise to the surface whenever it comes to those who style themselves as pro-choice. I am frequently struck by their thinly concealed anti-democratic, anti-libertarian and anti-human rights stance.

Why do I say "anti-democratic"? The answer is simple. On both sides of the House of Commons—on the Government and Opposition Benches—there is probably near unanimous agreement that Northern Ireland should have a devolved Assembly, with devolved powers, and that that should eventually include policing and justice powers, but of course for some hon. Members, the people of Northern Ireland are not to be trusted with the issue of abortion. Despite the fact that there is overwhelming agreement across the political divide, Northern Ireland, in the eyes of some hon. Members, is simply not grown up enough, mature enough, clever enough or modern enough to be trusted with that decision. The message being sent to Northern Ireland by some hon. Members could not be clearer: "We support devolution for you, but only in so far as you do what we like and what we want."

Mrs. Jacqui Lait (Beckenham) (Con): Will the hon. Gentleman give way?

David Simpson: My speech will be short, so I will not give way.

What I have described is an anti-democratic stance. Why did I use the term "anti-libertarian"? Again, whenever the subject of abortion comes up, it quickly becomes evident that if hon. Members speak against abortion, speak in favour of tightening up abortion provisions or express a principled anti-abortion and pro-life position, there are some who cannot listen to that message respectfully but feel compelled to resort to name calling and demonising the people who do that. We have seen that in the past in the House.

Why did I mention an anti-human rights approach? Some people take the view that the solution to what they describe as the denial of a person's right to choose is to deny a child's right to live. I do not believe that, if anyone in the House were to say that a black or coloured baby, a Jewish baby or a baby from the travelling community should have its life ended, there would be a single Member of the House who would not be rightly outraged, no matter what justification was given by that person. However, there are those who tell us that a baby not yet born should have its life ended for no other reason than another person's right to choose. I cannot and will not support that kind of cruelty being visited upon the innocent. Rather than making Northern Ireland like the rest of the UK on this issue, it would—

Martin Salter: Will the hon. Gentleman give way?

David Simpson: No, I will not; I shall be finished in 30 seconds. Rather than making Northern Ireland like the rest of the UK on this issue, it would be far better if hon. Members were to campaign for the reverse and to show the same commitment to the life in the womb as they show for consumer parenthood and disposable babies. The abortion laws across the UK do need to be reviewed, updated and amended, but they need to be reviewed away from the current situation and the free-for-all that exists in many parts of the country. I urge hon. Members to go down that road, not the one that they are trying to map out for the people of Northern Ireland.

9.56 am

Mrs. Ann Cryer (Keighley) (Lab): I thank my hon. Friend the Member for Reading, West (Martin Salter) for raising this subject. It is a very difficult one and clearly this Chamber is very divided. The difficulties faced by young women in Northern Ireland came home to me when I went to a meeting in Portcullis House; I think that it was last week. Baroness Blood chaired the meeting. When I heard her talking about the situation of young women in Northern Ireland—women of child-bearing age—I was reminded of the arguments that I had to sustain alone, with almost no support whatever from other people, regarding the forced marriages of young women in my constituency 12 years ago. When I was elected 12 years ago, many people were coming to me for help to get a marriage annulled or to get divorced because they had been forced into a marriage in Pakistan. I had to do what I could. I also had to contact the Islamabad high commission to put a stop on entry clearance for the person coming in.

I got very little support on that, for the same reasons that women in Northern Ireland are not getting much support now—because the politicians in Northern Ireland know that it would affect their votes at the next election if they supported young girls asking for the right to have abortions there or asking for help to come here. Still to this day, the girls I helped in my constituency will not talk about that situation, for the same reason that the girls in Northern Ireland will not. In Northern Ireland, it is probably referred to as "What will the neighbours say?" In Keighley, it was family pride and family honour that was afflicting them. So I feel as though I am in the deep end with this. I understand very clearly what the girls in Northern Ireland are going through. People can tell by my voice that I am finding it quite difficult to talk about this. However, I am here this morning to maintain the position that women in the UK have the right to control their own fertility and their own child bearing.

Mr. Gregory Campbell (East Londonderry) (DUP): Will the hon. Lady give way?

Mrs. Cryer: No, I am sorry. If I give way, I will not start again, because I am finding this so difficult.

At the moment, young women in Northern Ireland are denied a right that women in the rest of the UK are allowed to have. However, I want to go back a little. I will be 70 later this year and I was of child-bearing age during the period before David Steel's 1967 Act came in, so I know what the position was then. Many friends who had babies brought them up and were good mothers to them, but they had reservations about having them—they perhaps already had two or three children, so they had anxieties. At the time, women were not able to have a legal abortion.

Women have always been able to access safe abortions—the same must, and in fact does, apply as regards Northern Ireland—if they have the money and the wherewithal to find out where they are available, and David Steel simply ensured that there was a level playing field for all women. I suggest to Democratic Unionist Members that women in Northern Ireland today who want an abortion can get one if they have the money to come to this country for one. Those who do not have the money and who do not know how to get through the legal loopholes will not have an abortion. They will have to bring into the world a child that they do not want and that they will possibly have adopted at an early stage.

I have known women in such situations. In fact, I had a friend who performed an abortion on herself. She lost a great deal of blood and had to be taken into hospital. She had to put out all sorts of stories to explain why that happened. She had the beginnings of multiple sclerosis, and her condition deteriorated a great deal shortly after she performed the abortion. I am quite convinced that the two things were connected. Had she been able to have a legal, safe abortion, she would not have been forced into that situation.

I hope that the message that goes out from this Chamber is that the UK Parliament cannot go on in the present situation, with women in a small corner of the UK being denied the rights that are enjoyed by so many women in the rest of the UK. That is so unfair. I hope that Northern Ireland Members of Parliament will eventually change their attitudes. If we cannot achieve that, I hope that Ministers in this country will make available some facility to help girls who want to come to this country by ensuring that they can access abortions and that they have the money to travel here. The current situation is so wrong and so unfair on such girls, and I appeal to the Minister to look carefully at the issue to make sure that no one in the UK is denied an abortion simply because they do not have the money to catch a flight here.

10.4 am

Mark Durkan (Foyle) (SDLP): It is a pleasure to serve under your chairmanship, Lady Winterton.

The hon. Member for Reading, West (Martin Salter) said that we would be pygmy politicians if we did not do what we were sent here to do. What he advocates is certainly not something that I or my colleagues from other Northern Ireland constituencies feel that we were sent here to do. I hope that the implication of his reference to pygmy politicians was not that those of us from Northern Ireland are somehow less capable parliamentarians or legislators.

Martin Salter: Let me make it clear to the hon. Gentleman that I said that we would be pygmy politicians if we shied away from debating this issue. I respect his arguments and I am delighted that he has been given an opportunity to set them out.

Mark Durkan: I thank the hon. Gentleman for that because many of us in Northern Ireland get a bit fed up with British politicians who seem to think that they are the political Gullivers while we are intellectual Lilliputians, who cannot understand or deal with these issues ourselves and who need the wisdom and intervention of British politicians and international instruments.

I make no apology for standing here as, among other things, an Irish nationalist. As far as I am concerned, an Irish national Parliament should legislate on this issue for the whole of Ireland. I mentioned international instruments, and a protocol has been fully promulgated in the European Union making it clear that no European instrument or law will override the right of the Government and the Parliament of Ireland on abortion legislation. I speak from that very clear perspective and I make no apology for that.

My hon. Members for Reading, West and for Keighley (Mrs. Cryer) made several points. I fully accept that there is conscience on both sides of the debate, and the sooner we all recognise that the better. That was strongly reflected in some of the remarks by the hon. Lady.

Reference was made to the call by the Equality Commission for Northern Ireland to introduce the same rights as in Britain. The Good Friday agreement, which the hon. Gentleman mentioned, provides for strong equality measures. Section 75 of the Northern Ireland Act 1998 names seven different grounds for equality protection, one of which is disability. Many groups representing disabled people fundamentally object to the amended 1967 Act precisely because it permits abortion practically right up to birth in the case of foetal abnormality. Foetal abnormality is used to cover a wide variety of issues and disabilities. In many cases, the Act sends the signal that those with disabilities would have been better off not being born. I know many disabled people, not only in Northern Ireland, who fundamentally object to that dimension of the Act.

The hon. Gentleman said that the law in Northern Ireland is one of the most restrictive pieces of such legislation in Europe, but the 1967 Act, which he advocates should be extended to Northern Ireland, is one of the most liberal, if not the most liberal, in Europe. Why should we resign ourselves to that?

The hon. Gentleman said that those of us who voted to amend the 1967 Act last year, when the Human Fertilisation and Embryology Act 2008 was going through the House, had sold the pass and did not have the right to object to the extension of the 1967 Act to Northern Ireland. I simply point out to him that there was a full, clear and present threat to use the 2008 Act—this was the intent of many Members of the House—to extend the 1967 Act to Northern Ireland. Northern Ireland Members faced that very real threat and we were within our rights to seek amendments to mitigate it.

However, if the hon. Gentleman was trying to suggest that there should be some new constitutional compact fully to declare that this Parliament will never attempt to extend the 1967 Act to Northern Ireland, while Northern Ireland Members will stay out of subsequent legislation, that is a separate debate that we need to have. He cannot, however, say that we do not have the right to vote on the 1967 Act while he and other Members reserve the right to say that they will extend it to Northern Ireland.

Martin Salter: Let me make it clear that that was not the point that I was making. I was merely pre-empting an argument, which has been made in the past, that

[Martin Salter]

Westminster politicians have no right to discuss the issue. I was pointing out that Northern Ireland politicians felt that they had the right to vote on legislation that affects my constituents. At no point in my contribution—the hon. Gentleman will be able to check the record—did I question their right to campaign against the 1967 Act.

Mark Durkan: I do not want to dwell on that, because I want to conclude, but I was taking up the hon. Gentleman's point. He said that those of us who had voted to amend the 1967 Act had sold the pass and therefore had no right any more to object to Westminster extending the 1967 Act to Northern Ireland. Well, we do object to the 1967 Act as it stands and we object to its extension to Northern Ireland. If he wants to carry that argument, it brings us into the case for some new constitutional compact here, which may well be worth looking at.

The hon. Lady suggested that politicians in Northern Ireland do not want to deal with the issue because it would affect our vote. The politicians who are elected by people in Northern Ireland come here on the basis of clear and credible positions. The issue is much discussed and debated in Northern Ireland, in the Assembly, on the airwaves and elsewhere. The suggestion that there is total secrecy and radio silence is wrong. There are contradictions in the arguments that are being made by my hon. Members because on the one hand the hon. Gentleman says opinion polls show that well over 60 per cent. of people favour the extension of the Abortion Act, yet on the other hand the hon. Lady says that we are failing to legislate on the issue because we fear for our vote.

10.11 am

Robert Key (Salisbury) (Con): It is a pleasure to speak under your chairmanship, Lady Winterton. I had the good fortune to grow up in a loving family and I speak as a father and grandfather, whose fourth grandchild is due in a month. I also speak as a Christian and I therefore believe that every cell of every human body is sacred. I support the stated position of my Church, the Church of England, which is strong opposition to abortion. For me, one abortion is one too many and represents a failure of all of us.

There are, however, many Christians and people of faith of other religions who balance their opposition in principle to abortion with the view that God is compassionate towards the needs and suffering of pregnant women and those around them. I respect the differences between the countries of the United Kingdom and see them as a strength, not a weakness. Therefore, I do not for a moment seek to undermine the perhaps more conservative traditional social attitudes in one part or another of the United Kingdom. I think that it is a shame that there are not more women in the debate, but that is a feature of our Parliament. I also think that we should recognise that we live in a male-dominated society with a male-dominated Parliament and Churches. I sometimes wonder whether men should vote at all, or even speak, on these issues in public. After all, all pregnancies are caused by men and it is women who take the grief.

I have never subscribed to the view of those who argue that abortion is a matter of a woman's right to choose, as if women had an exclusive right. To me it is a partnership between a woman, a man, a child and, indeed, God. However, it is the mother who is pregnant and who will give birth and raise the child. I believe that Parliament cannot wash its hands of the issue, any more than the issue of abortion itself can be wished away. We are talking about discrimination against half the population of Northern Ireland—the female half. That is institutional, financial discrimination by the British Government against women who have paid their taxes and national insurance contributions. I am therefore ashamed that in our United Kingdom we treat women in Northern Ireland differently and penalise them financially.

However, it is rather worse than that. The situation faced by women in Northern Ireland has become tainted by a very nasty atmosphere of punishment and revenge by those who think that they are morally superior. I do not know of any women taking the decision to have an abortion lightly. From the figures, it is not naughty schoolgirls who have most of the abortions; 70 per cent. of them involve women aged 20 to 34—years, one would have thought, of some discretion and common sense. Of course, 64 per cent. of all terminations in England take place at under nine weeks' gestation. However, the fact is that in 2008 1,173 women were forced to travel to England from Northern Ireland for termination of pregnancy. In parenthesis another 4,600 came from the Republic of Ireland.

There are far too many abortions in our country and we have all failed to find the answer. We continue to let down generations of young people of both sexes, and we need to address that. We should start by stopping the financial discrimination against women in Northern Ireland who face substantial costs of £2,000 and more when they have already paid their taxes. It is time that we stopped punishing women and started educating men.

10.15 am

Dr. William McCrea (South Antrim) (DUP): It is a pleasure to serve under your chairmanship, Lady Winterton.

I believe that when Members of Parliament dare speak about abortion on demand they will soon find themselves engulfed in something of a hostile environment. I remember the last debate that was held in the House on this subject, and I can assure hon. Members that anyone who either mentioned an opposite point of view or pro-life position or even happened to quote a verse from the scriptures was totally laughed at and mocked in that debate. I am delighted that this is a more sane and normal debate.

I appreciate the fact that the hon. Member for Reading, West (Martin Salter) brought the issue up. I have no objection to the matter being discussed. The question is how it is resolved, which is a matter of the opinion of the people of Northern Ireland and their elected representatives, and should be left as that. However, when many people champion the cause of minorities across the United Kingdom, it is regarded as laudable.

I want to champion the cause of the minority: the unborn child—the child who has not the ability to speak in the House. We will hear a lot of talk about human rights and the right of the woman. I have never

heard, of course, whenever we have talked about the rights in this debate, about the right of the unborn child. Somehow, they do not seem to have rights, or those rights seem to be lesser compared with others.

Mr. Gregory Campbell: Is not my hon. Friend touching on the very nub of the issue? The debate and resolution will be found only when all of us, as adult parliamentarians, balance the plight, needs and concerns of women who find themselves pregnant, whom we have got to have a concern for, and the plight of the unborn child, whom very few people appear to stand up for and speak for.

Dr. McCrea: I thank my hon. Friend for that point.

It is also interesting that out of the 18 Members of Parliament for Northern Ireland constituencies not one has signed the hon. Gentleman's early-day motion. Of course he pointed out that that was because we were political pygmies. That is a slur against pygmies, because I think that they are quite nice people, and to suggest that is rather insulting.

Of course, contradictory messages are coming out, as was rightly pointed out by the hon. Member for Foyle (Mark Durkan). For example, the hon. Member for Reading, West suggested to us that we had not the guts to take the hard decisions, because we were behind our electorate: that our electorate were well ahead of us and wanted us to do it, but we were not willing. However, the hon. Member for Keighley (Mrs. Cryer) suggested that politicians were not doing so because it would affect their vote. With the greatest respect, Labour Members cannot have it both ways—they usually try to, but some of us here are not willing to let them. They should not try to bamboozle us with nonsense. *[Interruption.]* I was elected to the House to represent my constituents. I assure the House that when the Northern Ireland constituency representatives here today face their electorate, they will discover whether the electorate are backing them.

Martin Salter: I ask the hon. Gentleman a simple question: is he in favour of allowing an abortion for a woman who has been raped?

Dr. McCrea: It is interesting that, whenever we come to talk about the matter, an emotive example is always given. Let us be frank: the majority of people—

Martin Salter: Yes or no?

Dr. McCrea: With the greatest respect, the hon. Gentleman cannot expect me, as a parliamentarian, simply to answer the question as he wants it answered. I shall answer it in the way that I was elected to answer, which is what I stand for—and I make no apology for it.

Let me say this about rape. Does destroying the unborn baby eradicate the tragedy of the rape? Does an act of violence against the mother justify an act of violence against the unborn child?

Emily Thornberry: Will the hon. Gentleman give way?

Dr. McCrea: No, I am sorry. If the hon. Lady catches your eye, Lady Winterton, I am sure that she will be called.

The tragedy of the woman who has been raped is not eliminated by compounding it, by killing the baby. We have to lay some of these issues to rest. Another reason given for abortion is abnormality. Is the possible abnormality of an unborn child a justification for abortion? Whenever we talk about aborting babies because they may be handicapped, we are forced to make serious value judgments that I believe are reserved only for God and not for people sitting in this Chamber.

Why is there such haste? Let us get to the nub of the matter. The reason for the debate was made known by Dr. Audrey Simpson. She said that once the responsibility is transferred, as part of the handover of policing and justice powers, it will be very difficult to make a change. It is nothing to do with it being the right time to make a change; it is the right time to get one result—to force the Westminster Government's hand. Indeed, she also said that the United Kingdom Government do not have the guts to stand up to Northern Ireland politicians.

Who does Dr. Simpson think she is? I have the right as an elected representative to speak on behalf of my people. When was Dr. Simpson elected? If she believes that she is right, she should put herself before the electorate. She should stand in a Northern Ireland constituency and find out whether she represents the people. I assure the House that she would find out that she does not represent them. She will not sit in this place.

Mrs. Cryer: Will the hon. Gentleman give way?

Dr. McCrea: No; I am finishing my remarks, Lady Winterton, as you asked.

It is interesting to note that, when someone is planning to terminate the life of an unborn child and destroy the miracle of God's creation, they refer to the unborn as a foetus or the embryo. By contrast, when they plan to keep the child and cherish it, it is always known as "my baby" or "my child". We never hear anyone saying, "I'm going to have a little foetus." We never hear an abortionist saying, "We're going to kill the little baby." Our respect for the unborn seems to be strangely affected by the circumstances, and I was not elected to the House to support that position.

10.23 am

Emily Thornberry (Islington, South and Finsbury) (Lab): Many people feel very strongly about this matter, and I am one. Some may know that my family comes from Northern Ireland, and that some members of my family still live there.

The people of Northern Ireland have many strengths, but I do not understand why their politicians will not allow women to have access to abortion. The politicians may not agree with abortion themselves, and many of their constituents may not agree with it, but I tell them this: women in desperate circumstances will have an abortion. They may have one illegally, they may try to do it themselves, they may come to the mainland to have it or they may go to Holland; but they will have an abortion and we cannot stop them.

What we can do is make it fair. We should give women fair access to hospitals in Northern Ireland, where they can have the support of their mothers and where they can have the abortion quietly and discreetly.

[Emily Thornberry]

Please believe me, they will not have an abortion lightly. They will have an abortion only in desperate circumstances. Every abortion is a tragedy, and every woman who has had an abortion believes that. They will do it only if they absolutely have to do so.

Nadine Dorries (Mid-Bedfordshire) (Con): Will the hon. Lady give way?

Emily Thornberry: No.

There are good things about Northern Ireland, and many good things have happened there. Its economy is booming, and it is becoming much more liberal socially. There are now gay pride marches in Northern Ireland. There is a growing group of people there who come from a socially liberal background and are still not adequately represented by their elected representatives. The 21st century is coming to Northern Ireland, as it is coming to the rest of the world. It is important that that growing group should have some political representation.

Many who are socially liberal have chosen to move away from Northern Ireland, but some are now moving back. Changes are going on in Northern Ireland. Its politicians must change too. I deeply regret that the powers devolved to Northern Ireland under the Good Friday agreement included those relating to women and abortion. That was a mistake. We should have done the same with Northern Ireland as we did with Scotland and Wales: the issue should be a UK-wide one. I wish such authority had not been passed over, but it was.

I appreciate that I could be accused of opportunism, but I wish that we could grab the power back at the last minute, saying that we had made a mistake. I wish that we had not given Northern Ireland the authority over abortion. I do not believe that Northern Ireland politicians represent the views of the majority in Northern Ireland. They are behind the times. However, I believe strongly in the Good Friday agreement. I believe strongly in a peaceful Northern Ireland and in its growing prosperity, and letting it move on.

Martin Salter: Would my hon. Friend allow me to put on record that the reason for having this debate today is nothing to do with the legislative timetable? It is everything to do with a film showing women in a distressed state being harassed by Precious Life outside the FPA headquarters. That is why we are debating the subject today.

Emily Thornberry: I fully understand that, but I am speaking on my own behalf. I wish that we could go back on the mistake that we made when the Good Friday agreement started: power over abortion should not have been part of the devolution package.

Mark Durkan: My hon. Friend said that Northern Ireland is more socially liberal. She offered as evidence gay pride marches and so on. Does she appreciate that many of us are on what she would regard as the socially liberal side of those arguments, and that we have stood up for gay pride and participated in such events? Abortion, however, is different. It is not about the individual's sexual or other rights; it affects the rights of an innocent third party, namely the child.

Emily Thornberry: I respect the hon. Gentleman, but I do not agree with him. I believe that individual women should be allowed to make individual decisions. However strongly the hon. Gentleman may feel about the matter, I believe that women should be trusted to make their own decisions about their lives. They will continue to do so, whether or not he stops them.

Bob Spink: Will the hon. Lady give way?

Emily Thornberry: No, because others wish to speak.

If we cannot grab back the power that we are about to devolve to Northern Ireland, the least that we can do is allow women from Northern Ireland to have access to abortion under the national health service. I do not want that smutty compromise; it is not right. I believe that women in Northern Ireland should be allowed to walk into a hospital as I could in London, and as a woman from Northern Ireland's sister could if she lived in my constituency. It is not right, but it is the best that we can offer. I wish that we could at least do that before handing over these powers in Northern Ireland to gentlemen such as the hon. Member for South Antrim (Dr. McCrea), whose views do not represent those of everyone in Northern Ireland. At the moment, such people do not have a voice.

Ann Winterton (in the Chair): I intend to call the Front-Bench spokesmen at 20 minutes to 11. Three speakers remain to speak before then. They can work out for themselves how long they have.

10.30 am

Dr. Alasdair McDonnell (Belfast, South) (SDLP): It is a pleasure to serve under your chairmanship, Lady Winterton. I did not intend to speak, but I cannot let my hon. Friend the Member for Reading, West (Martin Salter) get away with some of the crazy stuff that I heard earlier. He depicted me and my constituents as primitive savages who attack pregnant women in the streets. I live beside a Family Planning Association clinic, my constituency office is beside it, and for 30 years I have worked as a general practitioner beside it. Never, in that whole time, have I seen baying mobs attacking people at the clinic. Occasionally there are crazies—there are crazy people on the pro-life side of the argument—and some of these things can happen, but for God's sake please do not paint us as primitive savages.

Bob Spink: As a GP, does the hon. Gentleman share my utter revulsion at the number of late-term abortions due to supposed deformities—the child might be beautiful, but have a hare-lip or something else perfectly treatable? That is why people get terribly wound up.

Dr. McDonnell: The hon. Gentleman is right. Some of us face a conundrum. For 30 years I have worked with women in stress—I might be unique in the Chamber in that sense—and I have dealt with them sympathetically, humanely and compassionately. However, there is a difficulty, to which I have yet to hear an answer.

We spend millions struggling to save babies of 22-week gestation, and putting them in incubators, and quite often those lives are preserved, even if they are not of a high quality—that is another issue—but we throw 24-week

gestation babies in a bucket to die. Somebody must provide an answer. We have got to find a balance. Some revolting arguments were made during the debate on the Human Fertilisation and Embryology Act 2008. At that time, we ducked the issue, but it must be dealt with. We cannot throw a viable foetus—a viable infant—into a bucket to die at 24 weeks and say that it is right.

I do not think that 62 per cent. of people in Northern Ireland are in favour of abortion. In my estimation, the figure might be 30 per cent. Yes, by manipulating the 30 per cent. figure—if one picked only those who were in favour—one could get 62 per cent. However, it does not stand up to sense that if two-thirds of our population are in favour of abortion, suddenly politicians like me cower in front of the 30 or 33 per cent. who are not in favour.

It upsets me that there is no Government NHS support service for a young woman who wants to keep a child. Often the pressures are economic, and time and again, in such cases, I have had to revert to various faith-based groups to provide support—often across religious divides and all the rest—for somebody who is desperate to hold on to an infant, but unable to do so for economic reasons.

We face a number of problems. Before we sort the debate once and for all, we need to start caring for people and young pregnant women, and not just seeing this as a disposable item.

10.34 am

Ms Diane Abbott (Hackney, North and Stoke Newington) (Lab): Like all hon. Members in this Chamber—I think—I believe that any abortion is a tragedy. However, let me press a point on some of my male colleagues: they talk as though women take abortions lightly and that they do it for social convenience and without thought. I urge my male colleagues to have a little more respect for the women of Northern Ireland. Every woman whom I have known who has had, or contemplated, an abortion has gone through agony. So I should like to hear a little more respect for women who face that appalling decision.

Nadine Dorries: Will the hon. Lady give way?

Ms Abbott: I am afraid that time is against me.

In July last year, I tabled an amendment to the Human Fertilisation and Embryology Act 2008 that would have extended the 1967 Act to Northern Ireland. I did not do that because I wanted to override the will of the Assembly. We should bear in mind that that is permissive legislation. If it applied to Northern Ireland, it would not force a single woman there to have an abortion, which is why some of what I have heard is so wrong-headed. If women do not want to have abortions, and if they are not in positions in which they need to contemplate them, permissive legislation itself is not a problem. Unfortunately, my amendment never got debated on the Floor of the House. With the greatest respect to my colleagues on the Treasury Bench, I believe that the Government colluded in that, because they knew that, had it got to the Floor of the House, there was a very good chance that it would have got through, because there is a pro-choice majority on both sides of the House—thank goodness that this is not a party-political issue, as it is in the United States, where we see demonstrations outside abortion clinics.

I have been struck by the number of letters that I have received from women in Northern Ireland who do not feel that the male politicians who have spoken today speak for them. As people who are currently part of Great Britain, they are looking to their British Parliament to give them relief and to stand up for their rights. Male politicians on both sides in Northern Ireland do not agree on many things, but they agree about abortion. That is what makes women, whether ordinary women, mothers, daughters or those in the FPA, so desperate for their Parliament—we are their Parliament, too—to come to their aid and stand up for their rights.

As colleagues have said, abortion is not a problem for middle-class girls and daughters—even of some politicians in the Assembly—with the necessary money, contacts, time and support. However, it is a problem for thousands of working-class women and girls in Northern Ireland who either have to find the money and so end up coming late in their pregnancy—a doctor has spoken about late abortions—without family support and facing a more dangerous abortion than would otherwise have been the case, or who cannot find the money at all and are forced to attempt a botched job at home.

I will not take lectures on morality from people who are willing to see defenceless, working-class girls frightened and alone attempting to induce an abortion in their back bedroom. Is that morality in the 21st century? This is a difficult issue, but people need to have more respect for women and the seriousness with which they regard this decision. People need to recognise that women in Northern Ireland deprived of their rights for so long look to us, the British Parliament. Somebody said, "What is the urgency? What is the pressing concern?" The pressing concern is that it is 40 years since women in the British isles got that right. We can argue about the parameters of our abortion law, but I do not believe that there is an argument for continuing to treat women in Northern Ireland as second-class citizens.

Finally, a colleague said that he would like the decision taken by an Irish national Parliament. As it happens, yesterday, I was privileged to chair a meeting addressed by the President of Sinn Fein, who was reopening the debate on a united Ireland. I, too, would like to see a decision taken by a Parliament of a united Ireland, but Northern Ireland is currently part of the British isles and this matter falls to the British Parliament. So I apologise to no one for speaking up for the rights of all women in the British isles.

10.39 am

Mrs. Jacqui Lait (Beckenham) (Con): I have been involved in this debate for more than 40 years, and we have heard today all the arguments made throughout that time. If there is one plea, it is that we go to the barricades in the cause of toleration. Not many people do that. The compromise argument that the women in Northern Ireland who need and agonise over having an abortion should have it paid for in a hospital in Great Britain is perhaps the cause of toleration. Great congratulations should be paid to our Northern Ireland politicians for acquiring such toleration and creating an Assembly that represents a variety of opposing views. Let them please now apply that toleration to this issue as well.

10.40 am

Mr. Alistair Carmichael (Orkney and Shetland) (LD): It is a pleasure to follow the hon. Member for Beckenham (Mrs. Lait). It is a shame that she did not have the opportunity to expand her views, because she would have made a valuable contribution to the debate.

I congratulate the hon. Member for Reading, West (Martin Salter) on securing the debate. My heart did not leap with excitement when I saw that it had reached the Order Paper, but we have had a good and, for the most part, well-measured debate, and I congratulate the hon. Gentleman on the manner in which he opened it.

The hon. Gentleman mentioned the so-called travel option. Northern Ireland is, and remains, part of the United Kingdom, so the fact that the abortion law does not extend to the Northern Ireland counties does not make abortion illegal. None the less, for logistic reasons—for reasons relating to travel and the rest of it—it remains a difficult option for women there to pursue. That messy compromise serves nobody well. Moreover, it encourages a double standard that pretends that it is all right for Northern Ireland to have a different law from the rest of us as long as people can quietly cross the Irish sea and have their terminations on the UK mainland. From the point of view of the women concerned, it is an exceptionally unsatisfactory situation. When young women contemplate a termination, they are at their most emotionally vulnerable. To remove them from the immediate ambit of their friends and family at that most vulnerable time is unacceptable.

The hon. Gentleman also spoke about the picketing of Family Planning Association premises, which was taken up by the hon. Member for Belfast, South (Dr. McDonnell). Clearly, there are extreme views on all sides about this issue. If such picketing is going on, it is unacceptable. I bow to nobody in the defence of freedom of speech, but nobody suggests that freedom of speech is an unlimited right. When it comes to targeting individuals who are at their most vulnerable, that is an unacceptable use of freedom of speech, whatever the basis of it may be.

Finally, the hon. Member for Reading, West mentioned that women in the 21st century can go online to obtain abortifacients. If that is happening, women in Northern Ireland are clearly in the same situation that women in the rest of the country were in prior to David Steel's Abortion Act 1967. When I was a law student, I remember reading about abortion cases in Scots law. At that time, slippery elm bark was one of the abortifacients that was used, and it was a brutal and inhumane procedure.

Many hon. Members have talked about starting from a position of strongly held principle. I respect such principles, especially when they come from a religious perspective. However, for me, this has always been an entirely pragmatic question. My view was formed some 26 years ago when I was outside a polling station in Glasgow. During a quiet spell, I spoke to the duty policeman who was reaching the end of his 30-year service. He said, "What party are you for, Sonny?"—people used to call me Sonny in those days. "I am a Liberal," I replied. He said, "David Steel's abortion Bill was the best thing that ever happened. People forget that when women went into public toilets to have abortions it was the police who had to go in and remove the foetus from the toilet." I was struck then that whether or not abortion was illegal, we would never remove it from our society. As a matter of pragmatism—not high principle or religious belief—if that is going to be part of our society, I want to see it done in the most humane, clinical and controlled way possible. That is why the Government should, even at this late stage, take a careful look to see whether there is an opportunity for this House, while it retains the power, to have the debate that Northern Ireland, as part of the United Kingdom, deserves.

10.45 am

Mr. Laurence Robertson (Tewkesbury) (Con): I will put forward the Conservative party's view on the logistics of the matter and then make one or two personal comments. Having discussed the matter with my party—or, certainly, a number of people in it—we take the view that this is a matter for the devolved Assembly. As has been pointed out, the devolved Assembly cannot take that decision at the moment because policing and criminal justice remains a reserved matter. As the hon. Member for Islington, South and Finsbury (Emily Thornberry) recognised, there were good reasons for reserving such matters to Westminster. It was to do not with keeping control over abortion, but with the terrorist situation that had existed in Northern Ireland for very many years. None the less, there are moves to devolve policing and criminal justice.

The target date, as set out in the St. Andrews agreement, was May 2008. That date was not set in legislation, but that was the target. Of course, we have gone somewhat beyond that because there was not sufficient confidence in the community to devolve such issues, but the matter is back on the agenda. I have had meetings with representatives of all the political parties in Northern Ireland, some very recently, and they say that the decisions on devolving policing and justice are imminent and will probably go through. If such a decision goes through, the Conservative party does not intend to oppose the devolution of policing and justice. We will accept that they have decided to devolve those issues. When it gets to that stage, the Northern Ireland Assembly can decide on abortion—they cannot at the moment because it is a matter of criminal justice and not health. We take the view that that is the right way to proceed.

I have every respect for the Minister, but I hope that he will allow me a little criticism for the way in which the Government dealt with some issues in Northern Ireland before the Assembly was restored. Decisions were taken in Committee in this House on matters such as local government reform and education reform in advance of the Assembly being restored. That was wrong. Those decisions should not have been taken here in advance of the Assembly being restored. They should have been left to the Assembly. I take the same view on the issue under debate. I am very happy to discuss it, but decisions should not be taken in advance of the devolution of policing and criminal justice, especially as all the main parties in Northern Ireland are united on this one issue and no other. I have been doing this job for four-and-a-half years and can remember no other issue on which all the parties were united. For us to take legislative steps that not only undermined the role of the Assembly but went against everything that all the political parties in Northern Ireland are saying would be wrong and somewhat anti-democratic.

The hon. Member for Reading, West (Martin Salter) said that he had campaigned for the Belfast agreement. He went down the Falls road and other such places for which I commend him. I had some reservations about the agreement and expressed them at the time, but he supported it and he supported devolution. Let us complete the devolution and let the people of Northern Ireland decide.

Nadine Dorries: On a slightly different point, does my hon. Friend agree that contrary to some of the evidence that we have heard in the debate, the polls taken of both doctors and the general public in the UK indicate that opinion is becoming far more conservative with regard to abortion, particularly at the upper limits?

Mr. Robertson: There is a case for reviewing the upper limits of abortion. I voted to reduce the limits. My hon. Friend prompts me to express my personal views. I agree with the sentiments expressed by members of the Democratic Unionist and the Social and Democratic Labour parties in the debate. Seventeen years ago, I worked in connection with a special care baby unit. Even at that time, babies were surviving after 24 weeks gestation. They are now aborted and actually survive outside the womb, only to die in the most cruel circumstances. I simply cannot accept that that is right.

I am quite assured that there is now abortion on demand—quite illegally—in Great Britain. I take the view put forward by the hon. Member for Upper Bann (David Simpson), who said that if anything, we should be tightening the abortion law across Great Britain and moving away from the current situation. Last year alone, there were 216,000 abortions in Great Britain. I simply cannot accept that many abortions are not carried out for social reasons. We all know of social excuses for abortions and we all know that we are not simply talking about teenage children who cannot cope.

Nadine Dorries: Is my hon. Friend aware that, contrary to some of the evidence that we have heard that abortion is treated as a one-off sensitive issue, some women in this country, because abortion is available almost on demand, are aborting up to four or five times in a short space of time?

Ann Winterton (in the Chair): Order. Before the Conservative Front-Bench spokesman resumes his speech, may I point out that the Minister still has to reply?

Mr. Robertson: I always look forward to hearing the Minister, so I will bring my speech to an end. My hon. Friend makes another powerful point.

Conservative Front Benchers believe that the matter should be left to the Assembly. My personal view is that we should be tightening up the abortion law in Great Britain and not going the other way.

10.51 am

The Minister of State, Northern Ireland Office (Paul Goggins): I congratulate my hon. Friend the Member for Reading, West (Martin Salter) on securing this debate. Whatever the rights and wrongs of the issue and of where the decisions should be taken, he has every right to raise the issue, and the airing of views that we have had is welcome. We have had a good debate and some very strong and passionate opinions have been expressed by Northern Ireland politicians and others, including, my hon. Friend the Member for Keighley (Mrs. Cryer), who has a tremendous record of dealing with very difficult issues. Indeed, she and I have worked on some together in the past.

In his opening remarks, my hon. Friend the Member for Reading, West twice said that I would wash my hands of the issue. He may not like the answer that I am going to give to him, but it will not be an abrogation of responsibility; it will be a proper, clear, consistent explanation of by whom, where and how decisions on the matter should be taken.

When the House debates and makes judgments on abortion, we do so on a free vote. It is well understood that that is the traditional position in Parliament. The Government are also clear that the best place for discussion of and decisions on abortion law in Northern Ireland is the Northern Ireland Assembly, when criminal justice powers are restored. The hon. Member for Tewkesbury (Mr. Robertson) is right: confidence is growing that devolution of criminal justice powers can take place, and I hope it happens in the near future. Many of the discussions are now on the practicalities of implementing that.

Although the question of devolution of criminal justice and policing powers is particularly resonant at the moment, the argument that I have advanced is not an expedient. The Government have a long-standing position on the matter.

Mrs. Lait: Can the Minister explain why abortion is a criminal justice matter in Northern Ireland and a health matter on the mainland?

Paul Goggins: I will go on to explain the reasons for that.

The Government have a well established policy going back to 1920. My hon. Friend the Member for Reading, West is right that the Offences Against the Person Act 1861 is the foundation of abortion law in Northern Ireland, but the Government of Ireland Act 1920 gave responsibility for the criminal law to the Northern Ireland Parliament. Within that responsibility for the criminal law was responsibility for abortion law. That remained the case from 1922 right through to 1972, when direct rule was imposed in Northern Ireland. The Criminal Justice Act (Northern Ireland) 1945 made some changes, but the Abortion Act 1967, which went through this Parliament, was not extended to Northern Ireland. Therefore, we have a consistent position going right back to the 1920 Act.

Some, including my hon. Friend and others who have spoken in the debate, argue that over the 37 years of direct rule, this Parliament should have legislated to extend the 1967 Act to Northern Ireland. That we have not done so reflects the very strong views that have been expressed consistently down the years by political and church leaders in Northern Ireland.

My hon. Friend the Member for Hackney, North and Stoke Newington (Ms Abbott) drew attention to the amendments that she proposed to the Human Fertilisation and Embryology Act 2008. Hon. Members on both sides of the House will have received letters from church

[Paul Goggins]

leaders and from the four main party leaders in Northern Ireland expressing very strong views that the matter should be left to the people of Northern Ireland. They said that any attempt to legislate here would undermine the devolution settlement that we have all worked so hard to achieve.

Emily Thornberry: Does the Minister remember that all the gay rights that were recognised within the law in Northern Ireland were imposed in the teeth of opposition from local politicians?

Paul Goggins: That is a different situation for a number of reasons. My hon. Friend the Member for Hackney, North and Stoke Newington raised the issue of the unborn child, but it is also true—I was involved in some of the consultations to which my hon. Friend the Member for Islington, South and Finsbury refers—that there was a much wider mix of opinion on other matters on which this Parliament has legislated through Orders in Council in recent times. A much wider range of opinion came through in the consultations on those other measures, but on this matter, it is clear that there is not such a breadth of opinion. I have very little time left, so if my hon. Friend will forgive me, I will move on.

The party leaders made it clear that the proposed amendments to the 2008 Act, which were not made, would undermine the integrity of the devolution process. As I have said, we have not suddenly lighted upon that position recently. Back in 1990, Baroness Bottomley of Nettlestone urged the House of Commons to reject a move to extend the 1967 Act to Northern Ireland, saying that it would be

"offensive to the overwhelming majority of people in the Province"—[*Official Report*, 21 June 1990; Vol. 193, c. 1162.]

My hon. Friend referred to the Good Friday agreement, which was legislated for in the Northern Ireland Act 1998. Mo Mowlam, whom we still think of fondly and who was a committed pro-choice advocate, made it very clear that the matter was different in relation to the settlement in Northern Ireland. In the debate at the time, she said:

"Due to the universal view that the Act should not apply in Northern Ireland…we would need careful consultation with the parties."—[*Official Report*, 20 July 1998; Vol. 316, c. 815.]

Even Mo understood that the issue had to be dealt with in accordance with the wishes, will and views of the people of Northern Ireland.

Emily Thornberry: Will the Minister give way?

Paul Goggins: I cannot, because my hon. Friend raised the issue of the pragmatic compromise, with which I must deal in the short time that I have left. The pragmatic compromise would be that we would not change the law, but that we would somehow facilitate NHS treatment for legal abortions for women in Northern Ireland in England. However, first, it is not clear to me that GPs in Northern Ireland would have the power to refer a woman for treatment outside Northern Ireland that would be illegal in Northern Ireland. Some might argue that women should be able to leave Northern Ireland for assessment as well as treatment here, but I would argue that that would be a serious breach of the relationship between the woman and her GP.

Secondly—this is crucial, and we have only seconds to go in the debate—we would either have to top-slice the Northern Ireland health budget to fund the compromise, which would undermine the devolution settlement, or taxpayers in England, Wales and Scotland would have to pay. That would take money away from my constituents and those of my hon. Friend the Member for Reading, West. Such a compromise would not work in practice. In the end, this important matter should be determined by the Northern Ireland Assembly and the people of Northern Ireland.

Mr. Michael Shields

11 am

Mrs. Louise Ellman (Liverpool, Riverside) (Lab/Co-op): I am grateful to have the opportunity to call once again for justice for Michael Shields. I thank my right hon. Friend the Secretary of State for Justice for taking the highly unusual step of coming here in person to answer this debate. This is my third Adjournment debate in support of Michael, who is serving a 10-year prison sentence in the UK for the attempted murder of Martin Georgiev in Varna, Bulgaria in May 2005. Michael has always protested his innocence.

I have long been convinced that Michael's case is a gross miscarriage of justice both for Michael—a then 18-year-old man jailed for a crime that he did not commit—and for the victim, as the real offender remains free. My previous reasons for supporting Michael include substantial flaws in the identification of him as the culprit, the absence of any forensic evidence and the confession of another man, Graham Sankey, to the crime. Those reasons have been strengthened by new eyewitness evidence and a polygraph test, conducted with the express approval of the Secretary of State, showing unequivocally that Michael was not at the scene of the crime.

We are at a critical stage in the campaign for justice. Despite new evidence, the Bulgarian authorities have refused to re-open the case. In December 2008, the UK High Court ruled that the Justice Secretary had the power to pardon Michael after considering the new evidence in the context of the evidence before the Bulgarian court. My right hon. Friend has decided provisionally that he is minded to refuse a pardon, but has stated that he will consider further representations before making a final decision. That provisional decision relies on extremely dubious identification evidence consisting largely of dock identification—a practice not allowed in this country for many decades. Identification parades were conducted in Bulgaria without defence lawyers present, using non-suspects who did not resemble Michael Shields and after Michael's picture had appeared in Bulgarian newspapers.

In addition to Graham Sankey's confession, there is considerable new evidence that positively supports Michael, including the lie detector test, new eyewitness statements and testimony from a Bulgarian porter in the hotel where Michael stayed. I draw special attention to the thorough investigation into a new sworn eyewitness statement from Mr. A, carried out by experienced officers from the Merseyside police major incident team at the request of the Secretary of State. The investigation shows categorically that Michael was not present at the scene of the crime. During the police review, Graham Sankey refused to be interviewed by the investigating team.

Eyewitness Mr. A recalls in his sworn statement:

"It was only when I saw the photograph of Michael Shields that I realised the police had arrested the wrong man. I was able to see Michael was a big lad and had blond hair. The lad in the white T-shirt who dropped the brick was short and dark."

The police investigation concluded that Mr. A was

"truthful in providing this account"

and that he was an honest and independent witness who had befriended the victim, Martin Georgiev, only hours before the attack. Significantly, the police investigation found that had the incident taken place in the United Kingdom,

"the case would now be referred back to the Court of Appeal"

or the Criminal Cases Review Commission, and that Michael

"could be out on licence pending the outcome of that process."

That is strong language. It has only one implication: it points to Michael's innocence.

The conviction is unsafe. The evidence is consistent with the witness statement given by Councillor Joe Anderson, leader of the Labour group on Liverpool city council, in October 2007. Reporting what he had been told by two other eyewitnesses to the crime, Bradley Thompson and Anthony Wilson, Councillor Anderson recounts how he was informed that a man called Steven Clare had initially punched Mr. Georgiev, and that

"Shortly afterwards Graham Sankey dropped a large rock on his head as he lay prone on the ground... Both men made it clear that Michael Shields was not present at the scene".

The Justice Secretary's provisional decision rests heavily on the findings of the Bulgarian court, which relied exclusively on identification evidence that would not have been admitted in courts in this country. He fails to mention the admission by Tsoni Tsonev, member of the Bulgarian Supreme Judicial Council, that there were doubts about Michael Shields' conviction, in reply to the petition placed before the European Parliament by Arlene McCarthy, MEP on 27 May 2008. Neither has my right hon. Friend referred to the concern expressed about the Bulgarian legal system in the European Commission's 2005 progress report.

I ask my right hon. Friend to revisit the report of the Merseyside police, who have no vested interest in Michael Shields but are simply reporting what they found after a thorough investigation ordered by my right hon. Friend. It is important to record that Graham Sankey, despite the confession that he made through his solicitor on 29 July 2005, has consistently refused to be questioned. Neither has he challenged the continued references to his guilt. Press reports that he no longer stands by his confession have never been backed up by any retraction statement.

I have been informed that Michael's legal team has been in touch with the CCRC since the provisional decision and that the CCRC has confirmed that it would be happy to consider a reference by the Secretary of State to consider the case under section 16 of the Criminal Appeal Act 1995. Will my right hon. Friend refer the case to the CCRC under that power?

Last Sunday, I visited Michael in prison. Later, I joined hundreds of Michael's supporters in attending a vigil at Liverpool's Anglican cathedral. I praise the outstanding work in support of Michael done by the Bishop of Liverpool, who is convinced of Michael's innocence. Those events reinforced my determination to speak out in pursuit of justice. Michael simply wants the facts of that fateful night to be known. He cannot understand why the new witness statements and the police report have not cleared him.

The people of Liverpool and the north-west are perplexed and angered at the provisional decision, which flies in the face of the findings of the Merseyside police.

[Mrs. Louise Ellman]

Feelings are running high. I accept that judgment cannot be based on emotion but must be founded on facts, but the facts of the new evidence point to a grave miscarriage of justice. If Michael was not present at the scene of the crime, he is innocent.

I ask my right hon. Friend for an assurance that his mind is not closed. The application for a pardon requires him to consider whether there has been a miscarriage of justice. How he goes about considering that is a matter of his policy rather than of any legal test. I urge him to consider the damage caused to the rule of law by an innocent young man's remaining in prison, while another man who has confessed to the crime and against whom there is powerful supporting evidence remains unchallenged.

Outrage over the case risks diminishing public confidence in our judicial system, which none of us would want. Will my right hon. Friend carefully reconsider the detailed representations made to him and the evidence that he considered, put right this shocking miscarriage of justice and grant a pardon to Michael Shields? If my right hon. Friend feels unable to do that, will he refer the case to the CCRC, which is willing to consider it?

This is a highly unusual case. Michael Shields must not be caught between two jurisdictions. The Bulgarian court found him guilty, despite grave misgivings about the evidence that it considered. There are concerns over the complexity and doubtfulness of the identification evidence and, in particular, the dock identification, which has not been permissible in this country for decades. After Michael Shields was convicted, Graham Sankey confessed to the crime. I have detailed the critical parts of the new evidence that has emerged since then. I have commented on the findings of the Merseyside police, who carried out a thorough investigation, using the services of highly experienced officers.

Again, I thank my right hon. Friend the Secretary of State for being present. I take his presence as an indication of the seriousness with which he views this issue. I ask him to consider all the points that I have made and the representations of Michael's legal team, which will be submitted shortly. I ask him to give his full consideration to releasing Michael Shields and securing justice.

11.11 am

The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw): I congratulate my hon. Friend the Member for Liverpool, Riverside (Mrs. Ellman) on securing this debate. I am well aware that she and other colleagues from Merseyside are concerned about the continued detention of Michael Shields and the unreliability of the conviction in the Bulgarian court. She has led the campaign for his release tirelessly. This is the third debate on the case that she has secured. The other two debates were held in November 2005 and November 2007.

I have spent more time on this case over many years than on any other single case. I first became involved in September 2005 as Foreign Secretary, when I met Mr. Shields' family for the first time. My hon. Friend mentioned that Adjournment debates are usually handled not by Secretaries of State, but by Ministers. I have discussed the matter with her and am grateful for her remarks. Given that the case involves a quasi-judicial decision that is mine alone to make, I thought it would be inappropriate to ask one of my ministerial colleagues to handle the matter. I thought that I should give my hon. Friend, Mr. Shields and his family the respect of explaining the position myself.

This matter is not technically sub judice, because it is not currently before a court here or abroad. None the less, my role in deciding Mr. Shields' application for a free pardon is a quasi-judicial one. It follows that it would not be appropriate for me to respond to the detailed points of evidence given by my hon. Friend or others. Nevertheless, I give her the absolute assurance, which she sought at the end of her remarks, that I will carefully consider and reconsider the detailed representations that have been made and that will be made before reaching a final decision.

My hon. Friend's second question was whether I would refer the matter to the Criminal Cases Review Commission under section 16 of the 1995 Act if I decided that I could not change my provisional decision. I have considered whether doing so would be appropriate on two occasions and will consider further representations on that matter.

The facts of the case are well known, and I shall not repeat them. I offered in a letter to meet Mr. and Mrs. Shields, and I gather that arrangements are in hand. I last met Mr. Shields on an impromptu basis when the Cabinet went to Liverpool in early January this year.

I will set out how my Department has handled the matter, what action we have taken, how I reached my provisional decision and what the next steps will be. I am happy to accept interventions from hon. Members at any point. Mr. Shields has sought a free pardon under the royal prerogative of mercy. That is an ancient and seldom-used power that can be exercised by the Secretary of State on behalf of Her Majesty. It has not been used since 1996, when it was used in very different circumstances. An individual had pleaded guilty to drink-driving, but it transpired that the breathalyser was inaccurate. There was no way other than by royal pardon to declare him not guilty.

Since 1997, the Criminal Cases Review Commission, to which my hon. Friend referred, has been responsible for reviewing alleged miscarriages of justice in England, Wales and Northern Ireland, when the convicted person has exhausted the appeal process. The Scottish Criminal Cases Review Commission performs the same function north of the border. The existence of the CCRC makes it unlikely that a free pardon will again be granted in relation to a conviction secured in the UK, although that cannot be ruled out.

My right hon. Friend the Member for Knowsley, North and Sefton, East (Mr. Howarth) in particular will remember that we actively supported the previous Government's proposals to set up the CCRC when they came before the House. There was a general view, which I subscribe to, that in principle the tricky, technical job of reviewing evidence in cases in which a convicted person claims that he or she has been the victim of a miscarriage of justice are better dealt with by an independent body than by Ministers. Nevertheless, the law is that this Minister has to deal with this case, and I have done my best to approach the matter in the correct way.

My hon. Friends are aware that the advice that I was given last year, which I accepted, was that I had no power to consider a free pardon under prerogative powers for convictions secured abroad and when, as in this case, the applicant is serving the remainder of his sentence in the UK under a prisoner transfer agreement. That advice turned on a debate about the interaction of articles 12 and 13 of the European convention on the transfer of prisoners. On 17 December last year, two senior judges of the High Court, in a decision of the administrative court, said that I was wrong about that and that I do have the power to consider a pardon for Mr. Shields. The Court set out its view on how such a consideration should be undertaken. Both Mr. Shields' legal team and I accepted the terms of the High Court judgment and did not seek to appeal.

The High Court decision was concerned with what the Court described as

"a pure question of law"

in regard to my powers under the royal prerogative of mercy. The Court did not venture a view as to whether Mr Shields' application should succeed. It did not look at the merits of the evidence, because that is a matter for me.

Immediately following the High Court judgment, I appointed senior counsel, David Perry QC, to advise me on Mr Shields' application. Mr. Perry is one of the most senior criminal barristers in the country. I also asked Mr Shields' legal team to submit any further evidence that they wished me to consider. In February, on Mr. Perry's advice, I asked Merseyside police to undertake consideration of certain matters in relation to Mr Shields' application. Following consideration of those matters, the police submitted two reports to me—one in March and the other in May.

Subsequently, I received advice from Mr. Perry on all the available evidence and on how I should consider the matter. However, I must make it clear that any decision in regard to a free pardon is mine alone. It was not possible for me to delegate the provisional decision, nor can I delegate the final decision.

Jane Kennedy (Liverpool, Wavertree) (Lab): I strongly support the comments of my hon. Friend the Member for Liverpool, Riverside (Mrs. Ellman). My right hon. Friend said that he will not comment on the detail of the matter, but when I read the police report that he commissioned and invited to be undertaken, I was struck by the strength of opinion. There are not many police officers—I have worked with many—who have taken such a genuinely supportive view of such a case.

One of the recommendations made in the police report is that the case should be referred for review. However, the police also suggest that my right hon. Friend might consider releasing Michael Shields on licence, while he continues to consider the greater ramifications of the case. For me, that was a very telling recommendation indeed, which is outside the more detailed consideration that he must rightly give to whether a pardon should be issued. When considering the case, it would be of very great significance if he could find it in his heart to allow such clemency.

Mr. Straw: Of course, I considered the police report very carefully indeed. Detailed comment has been made about the interviews that the police conducted at my request. The very detailed letter—I think that there are 45 pages—that was sent by senior officials on my behalf to Mr. Shields and his legal advisers goes into detail to explain what provisional conclusions I came to after looking at the police report, among many other pieces of evidence.

On the other two matters, I have said that I have already considered referring the case to the CCRC and that, so far, I have decided it would not be appropriate. My hon. Friend the Member for Liverpool, Riverside asked me whether I am open-minded: yes, I am open-minded on this matter. These are very difficult decisions indeed to take, and I must do so fairly and judicially. I am open on that, and on the last point that she raises, I am also open to representations about the proposal from the Merseyside constabulary. I have already looked at those reports, but I am open to further representations.

Mrs. Ellman: Does my right hon. Friend consider that, after reading all the evidence involved, there is a doubt about Michael Shields' conviction?

Mr. Straw: May I come on to that, because I want to explain the test that was set for me and why I think it appropriate for me to follow that? I also want to explain why I am ready to receive further representations. For the avoidance of doubt, I wish to state that, once the High Court had handed down its decision in December, the Bulgarian authorities played no part whatsoever in my consideration of Mr. Shields' application. I add—again, for the avoidance of doubt—that any possible implications for the operation of the prisoner transfer agreement have also not played any part in my consideration of the matter.

I have sought to follow the judgments of the High Court, which, as I have said, came from two very senior judges. Paragraph 34 of their judgment states:

"In principle...the grant of a free pardon would appear to require a conclusion that, taking the Bulgarian courts' judgment for what it is and without calling in question its correctness on the material which those courts considered, fresh evidence which the Bulgarian courts did not consider, taken with the material which they did consider and their judgment upon it justifies a conclusion that Michael Shields is morally and technically innocent".

That is the test that I was in principle required to follow by the two senior judges of the High Court. Questions have subsequently been raised, including by those campaigning for Mr. Shields' release, about whether that is an appropriate test.

It is worth putting on the record that, in the lead judgment of Sir Anthony May, president of the Queen's bench division, the court records at paragraph 25 that the test of moral and technical innocence was one urged on the court by Mr. Weatherby—a barrister for Mr. Shields. I am not saying that such a conclusion might not have been reached in any event, but it is absolutely clear from paragraph 25 that it was a proposal from Mr. Shields' lawyers that assisted the court in coming to its conclusion that the appropriate test was one of moral and technical innocence.

Paragraph 25 includes a précis of the submissions from Mr. Shields and states:

"Mr. Weatherby submits that the Prerogative Power of Mercy is a flexible one...The Secretary of State has jurisdiction to consider whether the claimant it morally and technically innocent...It would, said Mr. Weatherby, be quite unconscionable for the Secretary of State to allow a prisoner known to be innocent to

[Mr. Straw]

remain in prison...The question for the Secretary of State it whether on all the available material there has been an injustice such that Mr. Shields is morally and technically innocent."

As I say, that was urged on the court by Mr. Shields' lawyers and was accepted by them. I have to follow a test, and that is the one I have been following.

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): I should like to put on the record that I agree entirely with my hon. Friend the Member for Liverpool, Riverside (Mrs. Ellman) in the conclusions that she has reached about her constituent. I do not question the fact that my right hon. Friend will have gone through the procedure put before him meticulously. Having worked with him in the past, I know that that is how he approaches things. Does he accept that in relation to some of the issues that my hon. Friend has raised, even within the terms of the judgment handed to him, which sets the framework for his consideration of the matter, he could have reached a different conclusion?

Mr. Straw: My right hon. Friend is inviting me to come to a premature conclusion about my final decision, which, for reasons that I am sure he fully understands, I cannot do. I have to wait and see what further evidence is submitted as to whether I agree with him and his right hon. and hon. Friends. However, I should like to say that I have an open mind on the matter.

I am perfectly aware of the great anger that there is on Merseyside about the provisional decision that I have made and that there is a great campaign on Michael Shields' behalf. My right hon. Friend will know, not least from having worked with me—I thank him for his comments about that—that I do my best in these cases to apply myself to the evidence. Simply as a human being, it would have been easier all round for me if I had been able to come to the alternative conclusion. The provisional conclusion that I have come to is the one to which the evidence has drawn me, but I have an open mind. I have explained the background to the court's adoption of the test, which was done, not least, at the urging of Mr. Shields' own lawyers. Of course, even at this late stage, if Mr. Shields' lawyers urge a different test upon me, I am ready to consider that as well.

Mrs. Ellman: If the test had stated explicitly "reasonable doubt", would my right hon. Friend have come to a different conclusion at this stage?

Mr. Straw: The reason why it is not possible for me to answer that question directly is that the test did not state that explicitly. Moreover, in all appeals against conviction, it is normal for the burden of proof and sometimes the standard of proof to shift. I was not asked about that, and it would require a complete rehearing of the original evidence to come to a judgment about the guilt of those who are arraigned before the Bulgarian court.

What I was asked to do is to come to a judgment on whether Mr. Shields was "morally and technically innocent", and that has been broadly the standard basis on which judgments of this kind—rare though they are—are taken. I draw the attention of my right hon. and hon. Friends to the fact that I have taken the Bulgarian court's judgment for what it is and have not called into question its correctness in relation to the material that that court considered.

I understand that there is concern about the test, but that was what the court said and, as I mentioned, it did so explicitly at the urging of Mr. Shields' lawyers. Before I finish, I repeat that I am very grateful to my hon. Friend and her right hon. and hon. Friends.

11.30 am

Sitting suspended.

Local and Regional Newspapers

2.30 pm

Mark Williams (Ceredigion) (LD): It is a pleasure to serve under your chairmanship, Lady Winterton. I am grateful for this opportunity to raise the plight of local and regional newspapers in a Welsh, if not Ceredigion context, but more generally as well.

The starting point for my interest in the matter was a visit a few months ago to the office of one of our local newspapers, the *Cardigan and Tivyside Advertiser*, which is an immensely well-respected local weekly paper. I was surprised to find that the total staff complement for the newspaper was just five people, with only two journalists—half of what there were two years ago. The paper covers the town of Cardigan, the lower Teifi valley and north Pembrokeshire—a large geographical area. Sadly, it is now characterised by fewer news stories and more advertising features, or attempts to secure them, and less real news that matters to people, to help retain sales.

The paper faces a downward spiral: sales are hard to win back, and jobs are subsequently put at risk. To use a butchery analogy of trimming the meat, I am afraid that it has been a case not only of trimming the fat; the reality is that the muscle of the newspaper industry is being trimmed fatally.

There is a similar story on a bigger scale with Ceredigion's other weekly newspaper, the *Cambrian News*, which has a readership of 68,000 people and covers a vast area. There are two editions, although that represents a reduction, covering Ceredigion, Machynlleth and Llanidloes in the constituency of my hon. Friend the Member for Montgomeryshire (Lembit Öpik), Meirionedd, and the Dwyfor towns of Porthmadog, Pwllheli, and Criccieth in the constituency of the hon. Member for Caernarfon (Hywel Williams). Next year, that paper will celebrate its 150th birthday, but it, too, faces the challenge of reduced advertising and the loss of editions, jobs and its capacity to hold local politicians and public agencies to account. That picture is replicated across the United Kingdom.

I fear that a diminished local press diminishes the principles of community and democracy. My local journalists tell me that it is simply impossible for them to attend, in the way that they used to, sufficient meetings of community and town councils, the county council cabinet or its planning and scrutiny committees, the community health councils, the local health board or the police authority. Disseminating the work of those bodies has been an essential role of the local press.

Furthermore, more controversially perhaps, the local press is unable to launch detailed investigations. Stories are left untouched, and potential stories are not revealed. In the spirit of this debate, I shall stick to local matters such as the proposed industrial development north of the town of Cardigan, ParcAberporth, which swallowed vast sums of public money but has yet to produce a fraction of the jobs that were promised. Under normal circumstances, that issue would have been pursued by the press, but the press is without the resources to delve, to question elected Members and to challenge our role here. Stories are missed and local issues are not raised or aired. That is mitigated only in part by a vociferous letters page, to which I have no doubt we have all been subjected in the past. A local press covering issues within the locality that the nationals would not touch is an essential part of our democratic process.

I am flattered that so many hon. Members have come to this debate. They represent diverse parts of the country. As someone who represents a scattered rural constituency with 174 villages, I believe that the community role of newspapers is critical. Pictures of local people enjoying themselves at the Borth carnival or the winners of the Aberystwyth and district agricultural show, reports from the women's institute, the local sports page, items about Master Evans being picked for the under-11s or Mr. and Mrs. Davies's golden wedding anniversary might be crass parish-pump stuff to some people, but it is important, cohesive community information.

Both our local papers have served the Welsh and English-speaking communities with distinction. The Welsh medium articles from local volunteer correspondents are important. They cover significant cultural events: the Urdd, local eisteddfodau and cymanfa ganu—the singing festivals—and Dydd Dewi Sant, or Saint David's day. It is important that pre-eminence is given to the Welsh language in Ceredigion. But there are also the big campaigning issues.

The *Tivyside* promoted the restoration of Cardigan castle, which was the scene of Wales's first eisteddfod, and the campaign for a new hospital. *Cambrian News* campaigned against compulsory purchase orders in Aberystwyth town centre, for retaining key services and meals on wheels and against industrial scallop dredging in our precious Cardigan bay. Local newspapers galvanise opinion, sometimes working more effectively as campaigners than we do. Sometimes they work in concert with politicians, sometimes against, but they promote community interest, action and engagement. They are still a cherished local resource and are successful because they are local to people.

Lembit Öpik (Montgomeryshire) (LD): My hon. Friend makes a prescient observation on campaigning. Is he aware of the fact that, as a direct result of the work of the *County Times*, which is surely one of the finest newspapers in the western world, I submitted a petition regarding concerns about wind farm transportation through my constituency, and that the *County Times*, working with politicians in the Welshpool area, was directly responsible for raising the issue, exactly as my hon. Friend rightly says?

Mark Williams: I am grateful to my hon. Friend for that observation. I emphasise the case that politicians work in concert with their local newspapers, and I note that *County Times* journalists have been spotted in these parts today. No doubt, they are lurking somewhere in the Gallery.

Local news for local communities is important, but the newspapers are struggling because of the range of news media that is available to people. That was brought to our attention in the Scottish context by the Scottish Affairs Committee's recent report, and also in Wales by the Welsh Assembly's broadcasting sub-committee, which discussed the challenges resulting from the increasingly diverse ways in which members of the public can access news and current affairs.

[Mark Williams]

I should like to discuss some of the problems: first, the undeniable decline in advertising revenue and the effects of the recession, although there were the seeds of decline even before the latest recession. Between 2007 and 2008, advertising in newspapers fell by 12 per cent., according to the Advertising Association. Advertising across the board dropped by 3.9 per cent., yet advertising on the internet increased by 17 per cent. Recently, Gannett, the US-based parent company of Newsquest, revealed a 45 per cent. fall in advertising year on year, between January and March 2009, with the resultant loss of 11 local newspapers in north-west England. I shall not stray further into England, but these messages need to be heeded across the UK.

Regional publications have been restructured in the light of the recession. In January, Trinity Mirror merged Media Wales with its north-west and north Wales divisions. Seventy-eight jobs were lost, including 10 in Wales—again, there is a loss of local titles and local offices. The growing characteristic of such restructuring is centralisation, with more journalists working from one location. The journalists for the *Western Mail*, the *South Wales Echo* and *Wales on Sunday* are now based in one centralised newsroom in Cardiff. Twenty years ago, the tentacles of the *Western Mail* reached out with correspondents right across the length and breadth of Wales. We had a correspondent in my town of Aberystwyth, but that time is long since gone.

The news groups will rightly assert that, beyond the sentimentality of local titles, they are businesses and must fit in with models of profitability, but there is an added, crucial imperative in Wales: a different political culture post-devolution of which the electorate needs to be informed. Regional newspapers therefore are a tool for political and constitutional engagement. And yet one has to look very hard to find news of Welsh politics.

Bob Spink (Castle Point) (Ind): Has the hon. Gentleman considered using his communication allowance—since he is talking about political engagement—in a proper, appropriate way to help his local newspapers and his constituents? For instance, he could take a full-page ad to promote take-up for Warm Front before winter comes around or he could promote the take-up of the pensioners' credit, because two in five of our pensioners do not take it and lose £1,470 as a result. So he could use his communication allowance positively to help his community, and that would not do his local newspapers any harm, either.

Mark Williams: I am grateful to the hon. Gentleman for those suggestions, some of which I shall take back to Wales with me and some I am using already. For example, adverts for my surgeries appear regularly in the local papers. Those surgeries are costly, but an important principle is involved none the less. I will mention that in connection with local authorities and other public agencies in a little while.

David Taylor (North-West Leicestershire) (Lab/Co-op): The hon. Gentleman mentioned the Trinity Mirror group, which has taken a hard-nosed attitude towards local newspapers and is about to close nine papers in the midlands, including the *Burton Trader*, the *Ashby Trader and Echo* and the *Coalville Echo*, which, sadly, ceases publication next week. Can we not develop the point raised by the hon. Member for Castle Point (Bob Spink)? Should we not expect local authorities, public agencies and the Government to do far more information take-up advertising in local media that are under threat? Is not the message that must come from today's debate, "Let's do it now, before they disappear."?

Mark Williams: I concur. I will return to that point later. The hon. Gentleman is right to say that this is urgent, because, as he said, local titles are going to the wall now.

The lack of Welsh stories in the national news media is serious for those hon. Members who represent Welsh constituencies and explains why we attach great importance to the nearest things that we have to a national newspaper—*The Western Mail* in the south of Wales and the *Daily Post* in the north.

I now come to the point raised by the hon. Members for North-West Leicestershire (David Taylor) and for Castle Point (Bob Spink) on the emergence of local council publications, as distinct from advertisements in local newspapers. Although those papers contain local news, they are by their nature not independent and are competing with the commercial press, arguably speeding the decline of the local press and thereby reducing scrutiny of local authorities.

Lorely Burt (Solihull) (LD): Is my hon. Friend aware that Birmingham city council is not only issuing its own newspaper, but that that paper is carrying advertising, therefore robbing local newspapers, such as *The Birmingham Post*, the *Birmingham Evening Mail* and the *Express & Star*, of important advertising revenue?

Mark Williams: I shall append to what my hon. Friend said the phrase, "thereby threatening and jeopardising the future of those newspapers." The Local Government Association has asserted that no threat is posed and that three fifths of all council magazines contain no advertising at all or less than 10 per cent.

Paul Flynn (Newport, West) (Lab): The hon. Gentleman is proposing to distort market forces to provide a direct or indirect subsidy to local papers. Local papers are not known for their independent political view; many of them are outrageously biased politically. Is it sensible to ask for public funds before we can impose on local papers the same duty of political balance that we insist on from the broadcasting media?

Mark Williams: I am grateful to the hon. Gentleman for that observation. I will take a generalist view in the debate, but I will assert that we stand to lose rather more from the decimation of the local newspaper industry as we know it.

Mr. Mark Field (Cities of London and Westminster) (Con): I have some sympathy with the point made by the hon. Member for Newport, West (Paul Flynn). I have been in touch with a number of my local newspapers, many of which cover not just Westminster but other central London boroughs, and the message that has come through loud and clear is that they worry intensely about council-run newspapers effectively stepping in

their way. I can see that that is quite an issue. But is not the independence that the hon. Member for Ceredigion (Mark Williams) mentioned largely illusory in many parts of the country, not least because local newspapers rely on local authority advertising, particularly recruitment advertising? Is not that one reason why there is less independence than in the broadcasting world?

Mark Williams: That point was mentioned in the report by the Select Committee on Scottish Affairs, which hon. Members will have read.

Local councils should be encouraged to take out longer advertising contracts, to run the campaigns that were mentioned earlier and to sponsor local party initiatives. There are precedents for that in Wales, with county councils sponsoring the Papur Bro—the network of Welsh language community newspapers across much of Wales. I encourage hon. Members to look at the Scottish Affairs Committee report and the one from Wales, which urges the Assembly to review its job-advertising strategy.

I take hon. Members' points about the independence of newspapers, but I also take seriously the threat to their existence, because their absence would ultimately threaten and have a detrimental effect on our democracy.

Mr. Andy Slaughter (Ealing, Acton and Shepherd's Bush) (Lab): The hon. Gentleman has struck a raw nerve on the point about local authorities. Whatever the threat from withholding advertising, the threat from setting up a rival publication is real in many areas. Has the hon. Gentleman seen the LGA brief—a self-serving, disingenuous document—which said that there was no threat whatsoever from local government newspapers, whereas we know that they are parasites and stiflers of local newspapers?

Mark Williams: I am grateful to the hon. Gentleman for that. I had a similar reaction to the hon. Gentleman's on reading the LGA brief, although I will not use the poetic language that he uses. None the less, he makes a strong point about the threat to our local papers.

I want to celebrate the local press. It can be immensely irritating to us, but it undertakes a critical public service. When we talk about the press, as the National Union of Journalists reminds us, we are talking about individuals with mortgages, anxieties about jobs and many of the stresses that have been experienced by some of us, as hon. Members, in recent weeks. We need to talk about support for the journalistic community and upskilling journalistic skills, as our committee in the National Assembly recommended.

I do not want to be dismissed as some kind of luddite. We need to address the perception of daily newspapers publishing yesterday's news tomorrow. That is the challenge. I will continue to campaign for the nearest that we can get to universal broadband across my area. That is not an easy task in rural Wales. I am a great enthusiast for the universal service obligation, with all that it entails, and much of what the "Digital Britain" report contains. According to Ofcom, 90 per cent. of people in our communities consume some form of local media; yet since the 1970s, newspaper circulations have been declining by 2 per cent. per year, and recently, local television and radio audiences have been declining as well. Among recent broadband adopters, 10 per cent. read fewer local newspapers and one in seven listens to less radio. For me, in the spirit of plurality, it is about choice overall and about choice of media. Many lack that choice, as local newspapers are diminishing.

Mr. Mark Field: I thank the hon. Gentleman for giving way again; he is generous. He has talked about new digital media. Let us be honest and say that we—all hon. Members in this Chamber—are unusual, being relatively middle-aged and big consumers of newspapers. The generation younger than us will barely look at a newspaper at all, and they regard digital media as the focus of attention for particular local stories. Although in central London we have some good online offerings from local newspapers, the big elephant in the room is that they face competition from the BBC, which benefits from a £3.6 billion annual subsidy, building up an impressive, active and interactive media operation. But that is the real problem. The next generation, who will not necessarily consume their newspapers in anything other than a digital form, is now finding that there is no point going online to see what the local newspaper has to say and will find quite effective local news through the BBC online offering, which has the benefit of significant public endorsement and funding.

Mark Williams: On the one hand, I share the hon. Gentleman's optimism about the new technologies, but on the other I am concerned, because we must seek a balance between those two things. I am reticent to say that the younger generation is not interested in local papers, and that is not my experience in my constituency. We must combine new and traditional technologies, and I shall come to that later.

Technological changes have threatened how news is consumed, and the internet is heralded as the natural successor to the printed word with the benefits of immediacy and interaction. All news groups have recognised that, and have reflected it in developing online newspapers. Trinity Mirror reckons that it still receives 90 per cent. of its income from the printed word, but 10 per cent. comes from digital. The balance is shifting, and that presents challenges to news groups, but advertising revenue on the internet is limited.

A critical theme for the industry is the rules on cross-media ownership. The NUJ's evidence to the Welsh Assembly broadcasting sub-committee highlighted the dangers of an homogenised news service, but moved in the direction of relaxing competition laws to alleviate concern about disappearing and vulnerable titles. The recommendations following its investigations have been slightly usurped by recent announcements, but it urged that cross-media rules be relaxed to allow exploration of new partnerships and that there should be accompanying measures to protect the plurality of local media. In a Welsh context, the Assembly said that we should consider means of supporting English language journalism, including the upskilling of journalists to meet the challenges of online technology.

I hope that the Welsh Assembly Government and local authorities throughout Britain will be minded to take a more strategic view of advertising to ensure that relevant titles are not overlooked. Implicit in that is the suggestion that an advertising strategy from local authorities, the Welsh Assembly, the Scottish Parliament, the UK Government and so on must be communicated to the

[Mark Williams]

papers. In a spirit of Celtic solidarity, I commend the conclusions of the Scottish Affairs Committee whose report said that

"under pressure from the current economic climate, diminishing advertising, and the explosion of alternative news and information sources in electronic format, the industry has been forced to dramatically restructure itself, often at great cost to its dedicated and knowledgeable staff."

I could so easily have inserted "Wales" instead of "Scotland" in that text.

It is vital that the Welsh Assembly and UK Governments ensure that the Welsh newspaper industry is not made unviable because of overbearing competition from public sector advertising and that the industry can create sustainable business models through consolidation and mergers, subject to appropriate safeguards, while maintaining high quality, varied and independent journalism that reflects the Welsh identity. One could easily have inserted "Wales" for "Scotland" in that conclusion of the Scottish Affairs Committee report, and indeed I have done just that. It fits the bill perfectly.

More recently, however, we have had the results of the Office of Fair Trading's inquiry that accompanied the "Digital Britain" report, which recognised the problems facing local and regional newspapers and did not go down the route of legislation to change the rules governing media mergers. The Minister is new to his post, but he is mastering his brief. Will he assure me about the extent to which that will satisfy the concerns of some of us who believe that necessary mergers between different media organisations is one way of alleviating the great concern in our communities about the fate of local newspapers?

2.54 pm

Paul Flynn (Newport, West) (Lab): I congratulate the hon. Member for Ceredigion (Mark Williams) on securing this debate, and I agree with the main thrust of his argument. I am sure that the world would be a poorer place without a healthy *Tivy-Side Advertiser* in Cardigan, and that his constituents would be confused and bereft without the latest bulletin on the state of cockle-dredging and scallop-dredging in Cardigan bay. Such matters are important locally.

I am speaking today to share my long-standing view about how to reform society and improve our democracy. In my constituency in 1839, 20 Chartists were shot during their campaign for a charter. A few years ago, I drew up a charter for the 21st century. One element was to impose on our media a duty of balance in the same way as we do on broadcasters. That is crucial because the media generally—not just the local media, but the national media—have an outrageous right-wing bias. If they ask the country for the same sort of subsidies that the broadcasters receive, particularly the BBC, that responsibility must go with those subsidies. We can all think of examples from our local and national press of how they behave.

A neighbouring MP complained to the editor of a local newspaper that of the 14 press releases that he sent in this year, none was published. That MP is a former editor of a newspaper, and does not send in vacuous press releases. Newspapers are often empty of political news—they do not consider it worth reporting—or they are heavily biased, and rarely towards the left, the radical or the progressive side of politics.

We must consider seriously the other influences on advertising. Another newspaper said openly that it would not write fair reports on the Welsh Assembly, but attack it because it did not provide enough advertising when it advertised jobs. That is an example of the newspapers' editorial line depending on advertising. We are in dangerous waters if we are talking about intervention. There is even a vested interest in respect of MPs. Some of us use local papers and our communication allowances. Does that mean that newspapers are more disposed to us? If they were, that would be wrong. They should take the same unbiased line that they take on other issues. We are all aware of a softening of criticism. How newspapers treated the recent reports of our immaculate expenses might have been influenced by the fact that MP A advertises in the paper, and MP B does not.

Many hon. Members want to speak, so I shall be brief. My main point is that I support the argument that local papers are valuable. They are immensely important in communications and in keeping communities together. In Welsh-speaking areas they are vital. However, we all know that the news that is trusted comes via broadcasters, not from local or national papers.

David Taylor: My hon. Friend is a renowned blogger who is widely read by many people in the political sphere. Does he agree that one way in which local newspapers have responded to their problems in recent years has accelerated the difficulties? They have failed to invest, to train their staff, and to pay and recruit decent staff, with the result that the problem that they responded to has worsened. The Mayor of London receives the chicken feed, as he described it, of £250,000 for 50 articles a year. Should we not balance the payments a little?

Paul Flynn: Indeed we should. Local newspapers are described as local, but many are run by the appropriately named Gannett Company, to which the hon. Member for Ceredigion referred. Decisions are made not in Ceredigion, Newport or Birmingham, but in America, for financial reasons. It is not imperative for local papers to be local any longer.

We are all sad about the disappearance of local journalists and the training ground where the seed corn of journalism was provided. It would be a great shame if local newspapers went under, but we know the realities of market forces. How many of us receive our news in the morning not by holding up pieces of paper, but by going straight to the website and seeing tomorrow's papers the day before? The point is that we cannot have subsidies for the press without imposing a condition of political balance.

Several hon. Members *rose—*

Ann Winterton (in the Chair): Order. Before I call the next speaker, it may be helpful if I point out that at least six hon. Members and probably even more wish to speak, so if hon. Members could make their comments in five minutes or even a little less, everyone will be able to speak. We also have to have the winding-up speeches. Obviously we have to leave the Minister time to respond to the various points. I call Lembit Öpik.

3 pm

Lembit Öpik (Montgomeryshire) (LD): I shall be guided by your request, Lady Winterton. As we heard in the outstanding speech by my hon. Friend the Member for Ceredigion (Mark Williams), the local press is the key vehicle in reporting accurately and fairly on local goings-on—in scrutinising the workings of local councils and local courts. Unlike many national journalists, local reporters tend to live and work in the communities on which they report, so local people trust them as a source of news. They do not need to tap people's phones or mobiles to get exclusives, because people trust them and talk to them, and people read the results of what they have investigated and what they write about, knowing that they are reading accurate reports about their own world.

The *County Times*, which is the weekly in my area, is a classic example—a role model for how what I have described can best be achieved. It is 130 years old; it was founded in 1879, in the same year as Montgomeryshire elected its first Liberal MP, Stuart Rendel. Two great and revolutionary leaps forward occurred in that same year.

As my hon. Friend rightly suspected, two journalists—Richard Jones and photographer Phil Blagg—have been here from the *County Times*, because they believe in reporting accurately and seeing at the coal face what, in this case, their MP does, but they also do that in many other environments, whether industrial, educational, cultural or social. That is because they want to get it right in a way that I am sorry to say the national press seems not as concerned to do.

As we heard, the problems are very serious. The *County Times* is part of North West News Media and is facing real difficulties. Northcliffe has just announced 30 more job cuts in Wales. I understand that the constrictive merger and takeover laws prevent some changes from taking place that would protect local newspaper jobs. Someone who works in the media in my area put it simply:

"To continue to do this we must survive as a local business. We are not asking for handouts, but we could do with some consideration from local Government."

I agree with that sentiment.

The local newspaper business model relies heavily on advertising, as we heard. It accounts for about two thirds of local newspapers' turnover. In recent years, advertising spend has been in a general decline of between 10 and 20 per cent., but since the recession hit, advertising in key sectors such as housing, cars and jobs has plummeted. Newspapers are desperately exposed because of the trend towards advertising online. In 2007, all media sectors except cinema and radio lost market share to the internet. We can give many examples, but the mood music is clear. Local newspapers need to have more consideration than they have had so far if they are to survive.

My first request, therefore, is for the Minister's observations on the report by Lord Carter of Barnes, which earlier this year did not seem to go very far in relaxing laws on mergers and takeovers. Surely it is better to allow mergers and takeovers to occur than to lose local newspapers altogether. I would welcome the observations of the Minister and others in that regard. We are talking not about Murdoch-style empires, but about local businesses that just want to make ends meet, with journalists who are not well paid but have a passion for their work and their communities.

My next point concerns the shift of local government notices and job adverts towards websites and local government magazines and publications. Only about 1 per cent. of the councils that responded to a recent survey produced a magazine once a week, so if we want to get information out quickly, in about 99 per cent. of local authority areas the local newspaper is still the best way to do that. I would be grateful if the Minister let me and the House know what action he is taking to investigate that change. Local newspapers are a vital source of knowledge for local people in finding out where and how their council tax is being spent—and they are independent. On that basis, there is a strong political and democratic case for supporting local newspapers.

Of course, many newspapers are published daily. The *Shropshire Star*, which very sensibly bases an excellent journalist called Anwen Evans in my constituency, provides a counterpoint to much of the information that is blandly and inaccurately described in the national media. Again, we see the daily newspaper suffering in just the way that my local weekly newspaper, the *County Times*, is.

I shall therefore end with another question. Is the Minister willing to hear from a delegation from mid-Wales? Obviously, that is my interest. Is he willing to hear from editors such as Nick Knight and others about what they would like the Government to do to protect these vital services? As I said, none of them wants a handout. They simply want a hand-up, so that they can carry on serving the communities that they have served for more than a century. They have done that with a dignity, nobility, accuracy and grace that it would behove the national press to reflect.

3.5 pm

Ann Coffey (Stockport) (Lab): I congratulate the hon. Member for Ceredigion (Mark Williams) on securing this interesting debate. He is right to say that local newspapers face a grave crisis. Seventy newspapers have closed in the past year and analysts have warned that up to half the UK's local and regional newspapers may be shut within the next five years.

The recent "Digital Britain" report pointed out that

"there's an imminent danger that large parts of the UK will be left without professionally verified sources of information."

The importance of strong local and regional news came through in "Digital Britain". Indeed, my right hon. Friend the Secretary of State for Culture, Media and Sport described it as

"essential for the health and vibrancy of our democracy".—[*Official Report*, 16 June 2009; Vol. 494, c. 166.]

No one is saying that the standard of journalism in local papers is perfect, but local reporters are close to the community and they do try to provide independently verified stories in print. Local newspapers provide more diversity and access for different groups than the new army of bloggers could ever hope to achieve. The problem with blogs as a source of news is that they are self-selective and provide the view of one individual, not a balanced view. They often carry more opinion than facts and it would be a pity if they became one of our main sources of information.

[Ann Coffey]

The local newspaper is more than news. It is a way of binding our communities together and of archiving the history of a community. My local paper, the *Stockport Express*, has archives going back more than a century. It is difficult to see how the internet will provide such an archive in 100 years.

Research shows that local newspapers are the most trusted of all media, yet ironically, according to figures obtained by the Newspaper Society, of the £193 million that the Government spent on advertising in 2008, only 3.3 per cent. was spent in regional press and local newspapers. That was far less than was spent on radio and TV and less than half what was spent on posters—7.6 per cent.

Departments, which are already encouraged and expected to connect with local communities by engaging with local and regional media, should also look favourably on local and regional media, rooted within those communities, for advertising campaigns, recognising the unique public value, trusted environment and effectiveness that such spend offers, with resulting benefits for the local community.

My right hon. Friend the Secretary of State for Health, who is the former Culture Secretary, said recently that he believes that there is a significant public benefit in Departments putting more ad spend into local newspapers. I agree. The loss of advertising to online media, coupled with the recession, is one of the main causes of financial problems for newspapers.

I have had experience of that in my own constituency with job losses at the *Stockport Express* and the move of its office and journalists to the *Manchester Evening News* head office. I objected to that because I fear that, in the long run, the unique nature of the *Stockport Express* and its long connection with the Stockport community will be undermined. Instead of being a newspaper in its own right, it could become a slip edition of the *Manchester Evening News*. That would be a shame, as the *Stockport Express* is one of only 25 paid-for weekly papers in the UK to have increased sales from readers, who love its grass-roots coverage.

I recently tabled a series of parliamentary questions to all Departments to establish how much the level of advertising in weekly and regional newspapers had gone down in the past five years. Some Departments provided more detailed information than others. The key findings were that spending on weekly and regional advertisements had clearly gone down in the major Departments of Health, of Communities and Local Government, for International Development, for Business, Enterprise and Regulatory Reform and the Northern Ireland Office. It has also slumped heavily at the Foreign Office, where the Minister responsible explained that the fall was due to a large increase in the use of internet advertising and a large reduction in the number of recruitment campaigns from 2006 to 2007. The Home Office figure was also down on 2004-05, although it was up on the previous three years. The Department for Culture, Media and Sport, the Ministry of Justice, the Department for Transport and the Ministry of Defence provided no figures, and the other Departments were not clear.

The amount of advertising from the Government will heavily decrease if the obligation to place statutory notices in local papers is removed. That would be wrong because controversial planning notices could find their way to a secluded part of a council's newspaper or website. We need proposals to be set out in black and white in a place where all the community—young and old, web users or not—know that they can find them.

That brings me to the adverse impact on local newspapers of local authorities' increasing role in taking paid advertising to support local authority information sheets or council newspapers. I support the proposal in "Digital Britain" for the Audit Commission to undertake an inquiry into the issue. The Newspaper Society wants strict guidelines issued to all local authorities to ensure that their publications are quarterly or less frequent. It also wants the guidelines to ensure that local authority publications and websites do not take advertising or statutory notices and that they focus on providing information about council services rather than general local news and non-council events listings. Councils should be encouraged to use the local media, not compete with them.

I welcome the current consultation on proposals for a contestable element in the television licence fee to fund sustainable independent and impartial news through independently financed news consortiums. Such consortiums would include television news providers, local newspaper groups or other news-gathering agencies. That would provide a great opportunity for local newspapers to work with other news gatherers and to benefit from cross-promotion to help to safeguard their futures.

Apparently, there are to be three pilots—one in Scotland, one in Wales and one in England—and I would encourage my hon. Friend the Minister to choose the bid from the Granada area for the English pilot. The bid is being put together by a number of north-west newspaper publishers, including the Guardian Media Group, which also has experience of running the Channel m TV station. As long as the bid firmly safeguards individual papers, such as the *Stockport Express*, which is part of the Guardian Media Group, I will be in favour of it.

Whatever emerges from the consultation, the popular, localised aspects of newspapers should not be lost. We should not forget that regional and national news TV and radio are very reliant on stories that are fed to them by local newspaper reporters on the ground. TV must plug local newspapers and promote and credit their stories on air to encourage people to buy those papers.

In the past, there has been tension. Newspapers have not wanted subsidies, because journalists and owners felt that that might affect their independence. However, I detect a sea change in thinking, which has been prompted by the current crisis in the industry. People now realise that local newspapers are too precious to lose and that they should be entitled to some form of subsidy for providing a public service and keeping the community informed about what its local councils, courts and police, health and fire services are up to. The BBC and ITV are highly subsidised and regulated, but we do not worry about their independence. The time is right for a change of heart, and independently financed news consortiums should provide the way forward.

3.13 pm

Hywel Williams (Caernarfon) (PC): I congratulate the hon. Member for Ceredigion (Mark Williams) on securing this important debate.

Local newspapers are facing a hard time, and the issue is particularly acute in Wales because newspapers are published in two languages. Furthermore, the nature of daily newspaper production means that the overwhelming majority of the population—about 85 per cent.—read London newspapers. That has direct implications for democratic accountability, and particularly for the Welsh Assembly. London-based newspapers rarely report Welsh news, and their Welsh correspondents have long gone. Where there are Welsh reports, they are included only in so far as they are relevant to English or UK news or where they have sport or showbiz connotations. Otherwise, they are in the "And finally" category with the weird vegetables, the two-headed ducks and the mysterious sightings. That is the daily fare for readers of newspapers in Wales, unless they read locally produced papers.

Added to that is the fact that providing newspapers in two languages involves particular pressures. Crisis is not too fancy a word for the democratic deficit that we face in Wales, and that is particularly true of the production of television news. ITV has more or less disappeared. When I told colleagues that having two languages in Wales was a particular problem, it was suggested that we could have ITV news on Channel 4. When I pointed out that Channel 4 in Wales is S4C and that the news, although it happens to be in Welsh, is produced by the monolithic BBC, the crisis became all too obvious.

As elsewhere, newspapers are facing pressures from other news sources, and the main pressure, as has been said, is on advertising revenue. That pressure comes from other media, such as web-based media, and its impact on journalists and editors has been all too clear. I am a member of the NUJ's parliamentary group and I have a particular concern about the pressures on those who work in the industry. I recently visited my own local newspaper, the *Caernarfon Herald*, which, in contrast to some hon. Members, I will mention only once. I talked to the editor and the executive in charge of business in north Wales, who explained the streamlining that has recently gone on. There has, for example, been a reduction in the number of sub-editors, so journalists now write copy almost directly on to the page. There are also pressures on journalists to produce several types of copy. I was quite surprised to see that reports from the House that had appeared in the *Daily Post*, which is the morning newspaper, had also appeared in the weekly newspapers, although they were, of course, slightly changed. Presumably, those stories would also appear on the website. There are therefore pressures on journalists to produce all kinds of material, but there has been no increase in the numbers of journalists and certainly not in the number of local journalists.

What is lost, as the hon. Member for Ceredigion eloquently said, is local accountability—reports about local council or local court proceedings. Such things are the bread and butter of local reporting. They are often not riveting, but they are essential if local communities are to be kept informed and engaged. Without such reports, we will have a democratic deficit. That is what I fear we will see in the forthcoming Westminster elections in Wales and what we saw in the Welsh Assembly elections, when many people's ignorance of what was going on in the Assembly was all too manifest in the level of discussion and in the turnout. We ignore that decline at our peril. Given the information on web-based sites and even local web-based sites, there are questions to be asked about their accountability and credibility.

I want to finish with a brief point about Welsh-language newspapers, which, for me, offers a glimmer of a way forward. With his close family connections to my constituency, the Minister will know that Caernarfon was once the epicentre of Welsh-language publishing, but I am afraid that that is no longer the case. We now have two weekly Welsh-language newspapers and various inserts in other papers. As the hon. Member for Ceredigion said, however, we do have a network of community newspapers. They are not "newsy" newspapers, but they at least tell people what is happening in their communities.

I recently visited Barcelona with the Select Committee on Welsh Affairs, and we looked at community newspapers there. The key to their success is community involvement coupled with high quality. We should be looking at places abroad where newspapers succeed. I have an interest in minority languages, and what is happening in areas such as Catalonia, which are struggling to maintain interest not only in newspapers but in minority languages, is a great spur. There is much to be learned from such areas, including about the use of new technology.

3.19 pm

Mr. Andy Slaughter (Ealing, Acton and Shepherd's Bush) (Lab): I am grateful that I have been squeezed into the debate and I will limit myself to a single point in my five minutes. I want to expand on the point that I made in my intervention on the hon. Member for Ceredigion (Mark Williams), who has rightly given us another opportunity to debate the serious issue of the abuse of power and the misuse of public resources by local authorities.

In saying that, I do not underestimate the other factors involved, such as the appalling action by Trinity Mirror in my area, although I know that other groups are involved in these things. Such groups have caused long-standing titles to collapse and have then closed them, sacking highly respected and dedicated journalists.

The local authority role, if not the most significant, is certainly the most dangerous and insidious in undermining an independent and free local press. In making those comments I hope that I shall attract support from the three Front-Bench spokesmen. I say that for two reasons. First, the last time I debated the issue in this Chamber, on 20 January, the hon. Member for Wantage (Mr. Vaizey) made some slightly graceless and rather parti pris comments on the matter. He may crow at the moment because most town halls are under Conservative control, but that changes over time, and he may come, in time, and I hope sooner rather than later, to agree with the view that hon. Members of all parties have been expressing.

Mr. Edward Vaizey (Wantage) (Con): What the hon. Gentleman characterises as graceless was merely my pointing out that when he was leader of the council he published a free sheet to go to constituents, which cost council tax payers £300,000. Therefore, he is carping slightly in criticising the current administration for publishing a free sheet at no cost to council tax payers. Perhaps he will give a guarantee that if, God forbid, his party were ever to come back to run Hammersmith and Fulham, he would close the free newspaper.

Mr. Slaughter: The hon. Gentleman has not learned his lesson, but perhaps by the end of my speech he will have done. The second of the two reasons I wanted to

[Mr. Slaughter]

set out was that there is an early-day motion in the name of the hon. Member for Bethnal Green and Bow (Mr. Galloway), and an amendment in my name, signed by members of all three parties—in fact, members of four parties—which clearly puts Labour and Tory councils in the dock for their publications. I think that my hon. Friend the Member for Hayes and Harlington (John McDonnell) has signed it.

In the brief time that I have, I want to use the example of Hammersmith and Fulham's *H and F News*, which is published, although one would not know it, by the local council. It is a 64-page newspaper, fully underwritten by the taxpayers, with hidden subsidy—all the costs that a local paper would have, in accommodation, staffing and so on, are covered, and completely underwritten by public money.

I think that the marketing strategy goes further than hon. Members have so far said. The paper crows about what it calls the poor quality and low circulation of local newspapers—it says it can deliver to every door in the borough once every fortnight and claims to have nearly 10 times the readers of the nearest equivalent—and about its advertising offer, its huge splash and everything it can do, all of which is done by professional marketing people and, to their shame, journalists who have taken the shilling to leave the independent sector. It is quite brazen about it. The chap who edits it, who used to be a local journalist, says:

> "The reality is councils such as Hammersmith and Fulham are being forced into producing weekly and fortnightly newspapers in order to fill a vacuum that has developed as a result of …underinvestment from within the industry".

That is rather like a kerb crawler saying he is simply providing a service to young women who otherwise would not have their sexual appetites satisfied. I think that we shall treat it with the contempt it deserves.

As a consequence, two long-standing publications, the *Fulham and Hammersmith Chronicle* and the *Hammersmith and Shepherds Bush Gazette*, each with more than a century of independent publication behind them, are now effectively merged, and a shadow of their former selves. Their chances, against the competition—if we can call it competition—of a new newspaper starting up, are effectively nil.

If there is any doubt left about what I am saying, I end with this example. There was only one story in Hammersmith and Fulham last week. It had two pages in the *Evening Standard* under the headline, "Plot to rid council estates of poor", and the editorial and an article in the *Daily Mirror* under the headline, "Tories plan homes 'social cleansing'". Of course, it also had the front-page story in the excellent *Fulham and Hammersmith Chronicle* under the headline "Thousands to face losing homes". That story was by Aidan Jones, an excellent local reporter. I predict that no mention of that story will be found in the council newspaper. A story about how the courageous council is regenerating the scheme with the full support of MegaGreed plc might be found—but not the truth. That is the problem. What is happening is undermining, corrupting and corroding not just local democracy but the democracy in this House, and the hon. Member for Wantage should bear that in mind.

Mr. Vaizey *rose—*

Mr. Slaughter: I have to stop now.

Mr. Vaizey: The hon. Gentleman mentioned me.

Mr. Slaughter: I am being told to sit down. The hon. Gentleman should come back on the point; he has the opportunity of a 10-minute speech and I have had the opportunity of a five-minute speech. I invite him to come back on the point, but ask him please to be a little contrite and considered in his comments when he does.

3.24 pm

Dr. John Pugh (Southport) (LD): I congratulate my hon. Friend the Member for Ceredigion (Mark Williams) on initiating the debate, if only because it provides hon. Members with an opportunity to ingratiate themselves with their local newspapers. I shall resist that temptation, because my local journal is so intelligent that it would see through it straight away; it reads me like a book.

I recognise that all local journalists are having a hard time. They are losing jobs. There is a fall in advertising. They have competition, as has been mentioned, from the web, local radio and television. They struggle to get the younger generation on board. I do not see the Local Government Association as a significant long-term threat, as most councils will soon be so strapped for cash that they will not be able to put out any pieces of paper at all. However, I recognise that local newspapers are strongly supportive of their own economies, which contrasts quite well with national organisations such as the BBC, which lose nothing—as they are cushioned by the licence fee—from talking down the economy, something a local newspaper would never do.

Papers are essentially business. They sell information, of two kinds: information about products, which is called advertising; and information about communities, which is called news. Those are obviously linked activities. However—this point was made by the hon. Member for Stockport (Ann Coffey)—they provide a cement for the community. They inform and provide a forum for discussion; they air problems and campaign for solutions. They may not do those things in a perfect way. From time to time they are, indeed, guilty of bias, and are not a mirror but a refracting medium, but they cannot be that way for long, because they need to stay in touch with the community that they serve. That, I guess, is what local journalism is about—turning everyday life into everyday news. That requires lots of journalists—what I would call community journalists, who have the same status, I think, as good classroom teachers. Their status needs to be elevated. They tell the story against a potentially vast news base. My hon. Friend illustrated all that that might involve in his speech.

We might compare that with national papers, which exist almost entirely in the Westminster bubble, relaying chitchat and recycling the same material again and again, and giving us endless doses of celebrity-watching: by going on the tube, I learn more about who goes in and out of Boujis than I strictly speaking need to. We see more and more stuff being syndicated and more and more pressure on newspapers to sensationalise and, where they cannot do that, pad everything out by piling on comment instead of facts.

If local journalism is troubled, journalism itself is in trouble. We shall get down to increasingly limited information, circulated anonymously, to anomic and remote communities. A foretaste of that can already be seen in some regional papers. I picked up a Nottingham evening paper at the weekend and for no apparent reason it included very little news about Nottingham, but it did have a picture of Barack Obama meeting the Pope. It was not even on the day he met him; it was just there because it occupied space.

We should not underestimate the genuine interest that communities have in themselves. If local journalism goes, not only will journalism go, but communities will change. In contrast to the Nottingham example, I had the delight of reading, the other day, the *Westmorland Gazette*. I do not know if any hon. Members are familiar with it, but it is a broadsheet time warp newspaper, full of enormous detail about the community. It is very successful, because community journalism can and does work. I am sure that it will morph, and become more web-wise and interactive, but I hope that it will not disappear, because I am certain that it has a key role, and it must survive.

Ann Winterton (in the Chair): If the last two speakers can possibly contain their remarks to about three minutes, everyone will get in.

3.28 pm

John McDonnell (Hayes and Harlington) (Lab): I shall try to speak in less time than that, Lady Winterton.

This is the fourth or fifth debate on the topic in the past 18 months, and I congratulate the hon. Member for Ceredigion (Mark Williams). I am the secretary of the NUJ trade union group in Parliament. To save my speaking, hon. Members can find the latest updates about job losses by looking at the NUJ's latest briefing. When we debated the matter 12 months ago, 1,200 jobs had been lost. I think that we are near 2,000 now. Things are the same in my area, where Trinity Mirror has lost its office and a number of staff, and that is undermining the papers, because a spiralling decline begins. If journalists are not there, the news cannot be covered, so people cannot read the news and circulation declines and people will not advertise. We are in that cycle.

What I resent is that Trinity Mirror, to use it as an example, is still a profitable company. It had profits of 16.6 per cent. up to 2008, and the figure for Johnston newspapers was 19 per cent. at one point. They are still profitable; indeed, comparing them with Tesco at 5 per cent., they are very profitable. At the same time, however, they were cutting staff; 31 per cent. of their production and journalistic staff went in the seven years before 2008. There is an element of crying wolf, but we nevertheless want to preserve the local press.

As a result of the NUJ's meeting with the former Secretary of State for Culture, Media and Sport, now the Secretary of State for Health, and thanks to his hard work, we had a meeting—it was requested earlier—with all sectors of the industry to consider the way forward. That meeting took place two months ago. Ofcom made proposals for a news consortium that could be funded partly by the savings of digital switchover. However, the new idea is to top-slice the BBC's licence fee.

The constructive approach of establishing a newspaper consortium is the way forward, but I have some concerns. The new Secretary of State may reconvene that meeting, so that all sectors of the industry can get together again to see how far things have gone. My worry is about where the funding will come from. Top-slicing the BBC's income will begin to undermine it. There needs to be a wider look at technology levies. We have raised the question before, and it works in other countries. How will the news consortium pilot scheme work in practice? What will happen to the staff used by channel 3 news providers? If ITV regional news is replaced, but the company is not a partner in the consortium, how will the employment rights of existing ITV employees be protected?

As my hon. Friend the Member for Newport, West (Paul Flynn) said, if public funding is to go to those consortiums, how will the Government ensure quality journalism and a balanced approach to the reportage of news in the local area? If we are to subsidise local journalism, we must ensure that we invest in quality local journalism. This is not about restoring the profitability of some companies. In the good times, they made massive profits but failed to reinvest. That is partly why the industry is in crisis.

3.32 pm

Lorely Burt (Solihull) (LD): I congratulate my hon. Friend the Member for Ceredigion (Mark Williams) on securing this debate.

The news has been defined as something that people do not want us to see. All who have spoken in the debate have been at the difficult end of that. *The Birmingham Post* required all local MPs to pre-publish their expenses. One or two MPs were rather reticent to do so, but we nevertheless complied. That shows the power of the local press. Local papers, such as the *Solihull News* and the *Solihull Times*, publish what our MPs in my area have been up to, but many are not totally comfortable with that.

The important thing is that local newspapers should report on councillors' grubby dealings. Council-run papers may publish the local news and the variety of other things described this afternoon, but they do not contain any of that hard news. They publish only what they want us to see. That is why I agree with the hon. Member for Ealing, Acton and Shepherd's Bush (Mr. Slaughter).

It is clear that the industry is in trouble. It has been in trouble for some time—long before the recession started. The Trinity Mirror group of newspapers has shrunk; on 2 July, it was announced that nine newspapers and 120 jobs in the west midlands would be lost. Staffing complements have been cut by all local papers, and advertising has dropped by 40 per cent. over the past two years and is still falling. Local newspapers are in competition with the internet for advertising, and the internet steals their local and regional news stories—another problem that needs to be addressed.

Regional TV is no longer local, and the regions seem to be expanding hugely. The only repository of truly local news is therefore the local newspaper, with regional additions. That is what we want, and that is what we need to keep. What is the solution? We have discussed mergers and the "Digital Britain" report, and I look

[Lorely Burt]

forward to the Audit Commission inquiry. It would be extremely helpful if the Minister commented on that. What about collaboration? Why not use local reporters, jointly engaged by regional TV and radio? We would then have the best of all worlds.

3.34 pm

Mr. Don Foster (Bath) (LD): I congratulate my hon. Friend the Member for Ceredigion (Mark Williams) not only on securing this debate but on his excellent and thought-provoking speech.

Like many other Members, I feel passionate about the importance of local newspapers, something that was summed up extremely well by my hon. Friend the Member for Southport (Dr. Pugh) when he said that if local journalism goes, communities will change. He meant, of course, that they would change for the worse.

I spoke earlier today with the deputy editor of my excellent local newspaper, *The Bath Chronicle*. As one would expect, he was totally passionate about local and regional newspapers. He said that they are important because they stimulate the lifeblood of local communities and are the bastions of knowledge and democracy, especially in holding local government to account. With high-quality investigative journalism, they are able to shine a light into dark corners, and they provide a safety valve for local democracy.

As we have heard, however, times are hard. Having been one of the longest surviving continually produced daily newspapers, *The Bath Chronicle* has become a weekly newspaper. The number of editorial and commercial staff has been cut, and in the last few days we heard that a number of production activities such as subbing are to be moved to Bristol, with a further loss of local jobs. As a result, it becomes ever more difficult for our local newspapers to carry out investigative journalism, and to ask the hard questions that are so crucial to shining a light in dark places and holding local councils and other local bodies to account. As the hon. Member for Stockport (Ann Coffey) said, that cannot be properly replaced by biased bloggers hiding away in their darkened rooms.

My local newspaper is not alone. As we have heard, local and regional newspapers have been facing difficulties for many years, difficulties exacerbated not only by the recent recession but by much newspaper advertising being moved, particularly to the internet. In 2000, 1 per cent. of all advertising was done on the internet and it is now about 20 per cent. In 2008, we saw a £400 million drop in the advertising in local and regional newspapers—a fall of 19 per cent.—and the figures are getting worse.

Crucially, the classified ads that used to be so important in selling local newspapers are now going to the internet. In 2000, 45 per cent. of all classified advertisements were to be found in local newspapers, and only 2 per cent. on the internet. Now, 45 per cent. of all classified ads are on the internet, and only a quarter are to be found in our local newspapers. Circulation is down, advertising is down and, as a result, revenue is down. The lifeblood of local newspapers is dwindling. They are in great difficulty. Sadly, many have had to close. Last year alone, 60 titles closed, all of them a loss to their local communities. As we heard from the hon. Member for Hayes and Harlington (John McDonnell), many hundreds of editorial jobs have been lost; alongside that, however, many hundreds of support staff jobs have gone.

We must remember that 1,300 local and regional newspapers remain. They employ some 12,000 journalists and 30,000 support staff. They are beginning to fight back. Because of a shortage of capital, they did not invest early enough in websites, but they are now doing so; for instance, at www.thisisbath.co.uk, my local newspaper is now a thriving provider of daily local news, with 80,000 unique hits every month, up 40 per cent. from last year. Many other local newspapers are doing the same.

Much more needs to be done to help those newspapers. We heard a number of suggestions. The "Digital Britain" report and Ofcom suggest that the BBC should become involved in partnership proposals. We heard about that from the hon. Member for Hayes and Harlington and others. There is an opportunity to use the BBC's resources to provide support and help to other news outlets through the independently funded news consortiums and partnership proposals. Like him, I am deeply worried about the Government's proposal to top-slice the BBC, which will take money away from it without its involvement. By all means, let the BBC become more involved in partnership work, which is what it wants, and has started, to do. However, that should be within the remit of the BBC, using money from the BBC and with its involvement. I am delighted that 15 Labour Members have signed his early-day motion opposing that policy.

People referred to the importance of the relaxation of cross-media ownership rules. I am delighted that the Office of Fair Trading and Ofcom are now considering such a move. The Government have said that it is important. I was also delighted that we had a lengthy debate about the important role that local councils can play by not overly developing their own media outlets, particularly taking advertising away from local newspapers. That is critical. However, we should look very carefully at the LGA's figures, of which some were overly scornful. The vast majority of local councils are not taking action that is—currently, at least—causing problems for local newspapers. I welcome what the hon. Member for Stockport said about the important role of central Government in helping local newspapers.

Finally, all sorts of other exciting developments are taking place, such as ways of bringing different journalists together. The Press Association's initiative in Merseyside to provide an independent source of journalistic information for local newspapers could be developed. No doubt we will hear more from the hon. Member for Wantage (Mr. Vaizey) about his party's proposals for local television, which I hope will not further damage local newspapers. I hope to hear that it will work in consultation with them. Local newspapers are critical, and we must take action now to provide support for them, or far more will close.

3.42 pm

Mr. Edward Vaizey (Wantage) (Con): I am grateful for the opportunity to debate under your excellent chairmanship for the first time, Lady Winterton. I do not wish to give too much fodder for local or national journalists to write articles about the disgustingly incestuous

nature of the Westminster village, but I welcome the Minister to his post as the Minister for the digital industries or creative Britain—or whatever title he might choose to use. I have known him for many years and have the utmost respect for his ability and judgment. His only misjudgment ever was to join the wrong political party. However, I am sure that he will make an excellent Minister and I look forward to debating with him in the months to come.

We have heard a great deal from hon. Members this afternoon—nine speeches, in addition to that of the Liberal Democrat spokesman, the hon. Member for Bath (Mr. Foster). They set out the woes of the local newspaper industry, of which this House is only too well aware. I think that this is the third time in six or seven months that we have debated this matter. However, I congratulate the hon. Member for Ceredigion (Mark Williams) on giving us another opportunity to emphasise the point that this House takes what is happening in the local newspaper industry very seriously. As so many hon. Members have pointed out, it is fundamental to the health not only of our local democracy. Newspapers do not exist simply to uncover the wrongdoings of hon. Members or local councillors, but to play a vital role in bringing a community together. Picking up the local paper, either daily or weekly, reminds us of what is going on in our communities and prevents us from becoming solitary people living in rabbit hutches, going to work then coming home and simply switching on the television.

The hon. Member for Bath was right to point out that we still have a sizeable local newspaper industry. We are a newspaper nation. We have far more national newspaper titles per head than almost any other country in the world, and we still enjoy reading our newspapers, but change is afoot and technology is knocking at the door. As people have pointed out, a perfect storm of technology coupled with a recession is proving to be extraordinarily testing for local newspapers. It is dangerous to get into a mindset in which one simply tries to prop up existing institutions without recognising that change is afoot. Blogs, such as ConservativeHome, Iain Dale's Diary or Guido Fawkes' blog, are effectively taking over some of the role of national newspapers and are capable of breaking important stories with very few resources. That shows that technology will help to fill the vacuum. Nevertheless, we should, as Members of this House, be looking to provide potential solutions for local newspapers. The main job of finding a solution rests with local newspapers, which are, after all, private organisations, but the Government must be there to make that possibility effective.

The Government have published "Digital Britain" and set out a range of options. On the same day it published the OFT's—disappointing—analysis of the local newspaper market. The document effectively said that the OFT would do nothing unless, or until, a referral was made and recommended no changes to the current regime. Ofcom is also considering media ownership rules. I know that the hon. Member for Ceredigion and other hon. Members have called for local cross-media ownership rules to be relaxed. We, on this side of the House, share that point of view and have called for that relaxation. We have urged Ofcom to bring its review to a speedy conclusion.

It would be useful to hear from the Minister when he expects Ofcom to report and, when it does report, when he expects the Government to look at it and reach a conclusion on what parts of the review they will implement. More than anything, local newspapers need a certain, clear, regulatory landscape and a clear way forward. It would be an extremely useful contribution to hear the timetable for what I hope will be a clear-sighted report from Ofcom calling for the relaxation of local media rules, recognising that the landscape has changed and that the internet now provides a much wider horizon, which has to be taken into account when considering competition measures.

Dr. Pugh: The hon. Gentleman is making a thoughtful contribution. Local newspapers face competition for breaking major news stories, but an awful lot of what we illustrated as being in local papers is not of that nature; it is about local football teams and events. Guido Fawkes and Iain Dale do not pepper their blogs with such information, and never will. In a sense, they are not in competition in the way that he stresses.

Mr. Vaizey: Perhaps I did not express myself clearly enough. For example, a website such as ConservativeHome provides a community base for those of us interested in Conservative politics. Although it might break news, it also keeps us in touch with what that wider community is doing. *[Interruption.]* Luckily, I did not hear the hon. Member for Southport's intervention. It might have broken my smooth stride as I move closer to setting out the Conservative policy.

Finally, the Government have proposed independently financed news consortiums. I was pleased to hear the scepticism from hon. Members about the Government's proposals. Conservative Members oppose top-slicing of the BBC. I was astonished by the attack launched by the Secretary of State for Culture, Media and Sport on the BBC leadership. The Government have a tradition of attacking the BBC leadership when it dares to disagree with them. We saw that with the David Kelly affair and the Hutton report. But attacking the BBC for a lack of leadership simply because the director-general disagrees with Government policy—which, I remind the Minister, is not actually Government policy, but technically under consultation—crosses a line. I am sure that the Secretary of State, once he gets into his stride, gets his feet under the desk and understands his job, will want to apologise to the director-general for the attack.

Mr. Don Foster: I know that the hon. Gentleman wants to rush to his conclusion, but are we hearing today a complete reversal of the Conservative party position as expressed on 20 May. Then his party proposed to freeze the licence fee, which would effectively top-slice the amount of money that the BBC gets, but now it is saying that it would not. Back then, the Government said that they opposed top-slicing, but today they are proposing it. We, on the Liberal Democrat Benches, are getting very confused.

Mr. Vaizey: The hon. Gentleman has fulfilled a role, for many years, as my mentor, but at this point I would say to him—perhaps the pupil is getting above himself—do not be too clever by half. We have said that the licence fee should be frozen for a year because we are going through a recession and we want to help hard-working

[Mr. Vaizey]

families. We find it hypocritical that the Government are saying, "Don't touch the licence fee. By the way, we're taking 3.5 per cent. off the licence fee and will do with it as we want", which is exactly what they did—by the way—with the lottery.

We are also concerned about independently financed news consortiums. In effect the Government are saying, "This is how things have been, and this is how they should always have been." We all know that regional news was based around the old transmitter system, and it was not regional news in the true sense of the word.

I hope that everyone can hear the clatter of the hooves as the knight on his white charger arrives in the form of Conservative party policy, which was presented to the media this afternoon. The Speaker's rules about announcing party policy in the House before talking to the media do not yet apply; they will take effect in a year's time.

What we have put forward is a consultation document, which is written by the well respected, legendary journalist Roger Parry, on the creation of viable local multi-media companies in the UK. In the one minute I have left, let me simply say that this is a bottom-up solution for local television and multi-media consortiums using local spectrum. Ofcom has identified 81 areas in which local multi-media consortiums could be put in place. They will include video, audio, print and web. Production costs will be much lower. There will be economies of scale and the consortiums will rely on the use of volunteers. They will be truly local multi-media organisations, and we expect local newspaper groups to play a very important role in bidding for the spectrum licences so that we can create truly local television and a vital multi-media organisation that will be the saving solution for local newspapers.

3.51 pm

The Parliamentary Under-Secretary of State for Culture, Media and Sport (Mr. Siôn Simon): It is a great pleasure to serve under your chairmanship, Lady Winterton. I do not have a lot of time, but I will do my best to refer to everyone who has spoken.

Naturally, I congratulate the hon. Member for Ceredigion (Mark Williams) on securing the debate and on his opening speech in which he set the ground for the entire debate. He covered most of the bases and managed to include not just his own local newspapers but those for Porthmadog, Pwllheli, Criccieth, Llanrwst, Llysfaen and Garndolbenmaen. Drawing all those in is a triumph for which he should be congratulated. He also touched on mergers, so perhaps I will set out the position. The OFT looked into the market and concluded—I cannot find the exact phrase—that it works and that it is sufficiently flexible and rigorous to allow a functioning local newspaper sector to exist.

The hon. Member for Wantage (Mr. Vaizey) said at the end that the OFT would do nothing unless a merger was notified. Just to be clear on that point, the OFT concluded that the market was operational, but in cases in which mergers had been notified, it would have to look in more detail at the operation of the system. So the case is not closed. Work is going on to assess whether anything can be done to make the system more liberal and helpful to local newspapers.

My hon. Friend the Member for Newport, West (Paul Flynn) spoke with his customary vigour about the lack of accountability of local newspapers. He said that they can be biased and unfair on some occasions. Like many hon. Members, the hon. Member for Montgomeryshire (Lembit Öpik) referred to his local newspaper as a particularly trusted source of news and information for the community. He described the *County Times* as a role model. He also asked whether he could bring a delegation of editors to see me. Of course he can, but it must be an appropriately sized delegation of nice and good editors.

Mr. Don Foster: Will turned out as well?

Mr. Simon: Yes, that is always important. We take note of such things in the Department, as I am learning. The hon. Member for Stockport displayed his customary pithy precision. [Hon. Members: "Southport!"] Sorry, I mean Southport. Is it different?

Dr. Pugh: A bit.

Mr. Simon: I am running out of time, as well as digging myself into a deep hole. The hon. Member for Southport (Dr. Pugh) talked—*[Interruption.]* Oh, it was my hon. Friend the Member for Stockport (Ann Coffey). Sorry. When I wrote Stockport, I was looking at the hon. Gentleman. My hon. Friend talked at great length and with some erudition about Government advertising. Ideally, I should like to talk to her in greater detail about that. She made some interesting points. They did not come from the mainstream, which is all that I have read on the matter so far. If she would like to explore those ideas a bit more, I would be very glad to talk to her about them.

Mr. Vaizey: I hate to give the impression that I might be jumping the queue, but given that there are only four minutes left, will the Minister say when he expects Ofcom to report on cross-media ownership?

Mr. Simon: That is jumping the queue, but let me say that the Communications Act 2003 lays down that Ofcom undertakes such reviews every three years. Off the top of my head—I am new at this—the last review concluded in October 2006. The official line is that it will report back later this year. That should give the hon. Gentleman an indication of the kind of time scale that we are talking about.

As the clock ticks, let me say that I agree with the hon. Member for Caernarfon (Hywel Williams) that the situation in Wales with respect to television is difficult and needs particular attention, which is one of the key reasons why Wales was chosen as one of the pilot areas. He talks about my family connection with his constituency. It is true that, even though I was born in south Yorkshire and grew up in Birmingham, the major milestones of my life have been recorded in the *Dwyfor Leader*—I am not sure whether it still exists—and that shows what a community newspaper means. One does not even have to live in the community to be part of the community.

I thank my hon. Friend the Member for Ealing, Acton and Shepherd's Bush (Mr. Slaughter) and congratulate him on taking the fight to the Tory Front Bench so admirably. The hon. Member for Southport—

although I wrote Stockport again—talked about how local journalism can be at the heart of communities. Later on, he said that it would morph webwise and become interactive. That is true. The future of local journalism and local news gathering will be in the hands of not just journalists but communities. Local people will be delivering news to, from, by and of themselves. That does not mean that journalism does not need supporting, but we must look to new models.

My hon. Friend the Member for Hayes and Harlington (John McDonnell) reminded us that, when we talk about journalists and the service that they render to communities, we are talking about not just abstracts and things that are important to democracy but people—large numbers of human beings who are losing their jobs, which is a tragedy for them and their families.

John McDonnell: Earlier, I said that the seminar or working party on industry that the Secretary of State convened some months ago was very successful. Will the Minister liaise with the new Secretary of State to find out whether or not it is appropriate to reconvene it in September or October?

Mr. Simon: I wrote that down, and I will do just that. By all accounts, the seminar was a great event, and I will ask the Secretary of State to do it again. If he agrees, I will gladly attend.

The hon. Member for Solihull (Lorely Burt) spoke with her usual elegance about collaboration. The hon. Member for Bath (Mr. Foster) gave me a soupcon of wisdom about the things to come over the coming months. The hon. Member for Wantage shared with us the new Conservative proposal for 80 local television stations.

Combat Stress

4 pm

Sir Paul Beresford (Mole Valley) (Con): Thank you for the guidance that you will provide us with, Lady Winterton, through the next half hour—if the debate lasts that long—and for the chance to raise the issue of combat stress. Hopefully, the debate will be very short. My greater hope is for a positive response from the Minister, who should be sympathetic.

I intend to focus predominantly on the UK-wide organisation Combat Stress, which is one of the main treatment establishments and which has a main base in my constituency. As the organisation's name indicates, it treats ex-UK service personnel suffering post-traumatic stress disorder derived from combat. PTSD is recognised in civil life, including among police, ambulance and fire brigade personnel, among whom it has the nickname, "the silent disease". The effects on sufferers can be total destruction, for them as individuals and for their families. Sufferers get nightmares and flashbacks, become hyper-vigilant, suffer panic and fear of attack, and frequently descend into alcoholism.

The effects can lead to suicide. It is estimated that 262 British Falkland veterans have taken their own lives, compared with 255 lives lost in Falkland combat. Statistics released by the Ministry of Defence in March last year reveal that between 1 April 1991 and 31 December 2007, 162 British Gulf veterans died

"due to intentional self-harm or from other incidents where the intent was unclear, leading to open verdicts at inquests"—

that is a "Yes, Minister" type quote—which compares with 24 killed in action.

Dr. Andrew Murrison (Westbury) (Con): I congratulate my hon. Friend on introducing this debate. Is he aware of the American experience, which involves far greater numbers? The suggestion is that young men who have served are twice as likely to take their own life than those who have not served. We need to be particularly mindful of the American experience, given that it is greater than ours, when making our projection of the long tail that current operations are likely to have.

Sir Paul Beresford: My hon. Friend pips me at the post, because I was about to say that those who serve are 2.13 times more likely to take their own life. Saying that it is twice as likely will do, because it shows why it is important to deal with the problem.

Increasing recognition of combat stress has, I hope, inspired the Government to ensure that general practitioners are aware of the causes and that they seek help for ex-personnel who show symptoms. Recognition is the key, but there is a need for treatment, which brings me back to Combat Stress, which specialises in the care and treatment of ex-service personnel suffering from combat-induced PTSD. It is recognised as the leading organisation in such treatment. Perhaps that is not surprising, given that it was formed in 1919 and that it has helped, treated, or both, 100,000 veterans.

Combat Stress's current active and passive lists of personnel whom they serve come from about 20 theatres of operation, ranging from Borneo, Rwanda and Burma

[Sir Paul Beresford]

through to much more recent conflicts. Currently, just short of 2,000 ex-Northern Ireland veterans are on its lists.

To obtain better recognition of the problem, it is worth looking at the new referrals to Combat Stress for the year 2007-08, which total 1,160 cases with an average age of 44. Interestingly, over the 90 years, the average age is decreasing. The average length of military service of victims is about 11.5 years. However, I was surprised that the interval between discharge from military service and the first contact for treatment is 14 years. That apparently is the norm and according to Combat Stress, it has not changed for a number of years. The figures are therefore a warning, particularly given the current and recent service of so many of our troops in Iraq and Afghanistan. It is not only a warning of demand to come, but a hint for early detection.

I hope that the Minister agrees that Combat Stress is the leader in the field and that it should be supported to the hilt by the NHS. It is not a respite organisation; it is an active treatment specialist for ex-service personnel with combat stress. It has 180 psychiatric clinical personnel and three centres, and specialises in getting its traumatised patients back into normal life in their communities with their families. I repeat: in that field, it is the best.

One Combat Stress treatment centre is in Ayrshire in Scotland and the other two are in Shropshire and Mole Valley. It has also developed outreach services nationwide. Huge, enormous sums have been provided by public donation, from both individuals and events. Recently, it received £3.5 million from Help for Heroes towards a building programme in Leatherhead. As the Minister will be aware, the Leatherhead Combat Stress centre is close to and linked with Headley Court.

Charitable donations amount to about 58 per cent. of running costs and the remaining 42 per cent. comes from the MOD—that is for this year. However, as the Minister will be aware, responsibility for funding is moving from the MOD to the Department of Health. There has been no problem for the Combat Stress unit in Ayrshire. The Scottish NHS has recognised the need, and has agreed full funding to come directly from a central source. Sadly, that is not the case south of the border.

I am sure that the Minister will recognise, and I hope accept, the need for full funding. The need is self-apparent, as is Combat Stress's expertise, but it appears that there is a bureaucratic problem. The current approach for Combat Stress, as I understand it, is that it seeks funding from the primary care trust for each individual patient. That is a minefield. The cost to the charity in dealing with the bureaucracy and various foibles of so many PCTs does not bear thinking about.

There are precedents for direct central funding in such special cases, and I believe that this is one such case. I understand from quiet discussions with the relevant section in the Department of Health that it feels that that might well be the appropriate approach. The problem is that after long, drawn out discussions and negotiations, nothing has happened and no agreement has been reached. I hope—and I am sure the Minister will agree—that the need is obvious, that funding will be available and that Combat Stress's expertise is demonstrated daily. Perhaps he could strengthen his accent and sort this out by mimicking the Scots.

4.7 pm

The Minister of State, Department of Health (Mr. Mike O'Brien): I congratulate the hon. Member for Mole Valley (Sir Paul Beresford) on securing this debate. Few things can be more important than looking after the health of the brave men and women who risk their lives for us in combat, and there can be no clearer reminder of the sacrifices that they make than the moving scenes yesterday in Wootton Bassett as the bodies of eight young men were returned to their families.

Despite that tragic loss of life, it is important to remind families that the vast majority of those who see active service return home safe and well. Most ex-service people benefit enormously from their time in the armed forces and go on to lead full and productive lives after completing service, including active service in combat zones.

However, in war, there are casualties, and even those who return home physically unharmed may well have suffered severe mental trauma that can itself prove fatal, as it leads on occasion to suicide. It is important that we provide the best possible care for people who have to deal with the consequences of the difficult circumstances that they experienced in combat.

Afghanistan and Iraq are difficult, unfamiliar and extremely stressful environments. Sometimes it is hard to tell friend from foe, and there are constant threats from roadside bombs, land mines and snipers. Many may be deeply affected by their experiences. This Government believe that we need to do all that we can to give the right kind of support to those serving their country and returning to civilian life.

The most common mental health problems treated in the military are similar to those treated in the civilian population: anxiety, depression and alcohol problems. Research from Manchester university shows lower rates—

4.10 pm

Sitting suspended for a Division in the House.

4.20 pm

On resuming—

Mr. O'Brien: I was talking about the research by Manchester university that shows lower rates of suicide among armed forces leavers than among the general population. The one exception is that there is a higher rate of suicide among young, male ex-service personnel who have served for only a short period. The reasons for that are not clear. The research does not comment on whether the service is a factor. The general lower rate suggests that it is, but it is perhaps not the only factor.

The most important thing is that we get help to the people who need it, when they need it. If a serving soldier experiences a mental health problem, they can attend one of 15 community and mental health departments that have been set up by the Ministry of Defence. The Ministry of Defence also provides mental health care for those posted overseas. In the UK, soldiers also have access to NHS outpatient mental health services.

The situation is different for veterans. When service personnel leave the armed forces, they become the responsibility of the NHS. The vast majority of service veterans will access the NHS in the same way as the rest of the population. Some find it difficult to engage and need additional help in getting the treatment that they need. That is not surprising. Young men are often reluctant to ask for help when it comes to their health, and much more so when it comes to their mental health. The strong military ethos adds to that reluctance, meaning that soldiers are among the least likely to come forward. They are therefore difficult to identify as being in need of help.

In partnership with the Ministry of Defence and the devolved Administrations, we have set up pilot schemes in six NHS mental health trusts. The aim is to identify, treat and help veterans with mental health problems. We are currently evaluating the way in which the pilots have operated, what benefits there have been to the people who have come forward with mental health problems and in what ways the service needs to be improved. When the final report is published, we will roll out best practice across the NHS to ensure that ex-service personnel get the assistance that they need.

Combat Stress and other third sector organisations are fully involved with the pilots. They have worked closely with the Ministry of Defence, the Department of Health and the NHS to plan and monitor them. We want Combat Stress and the NHS to learn from each other to find the best way to help this cohort get better services than they currently receive. I am the first to say that the NHS still has to learn lessons in this area. However, I think that lessons are being learned from the pilots. When the report comes out, I hope that we will be able to find the best way of ensuring that ex-service personnel get help.

As in so many areas, providing the service that each individual needs requires statutory and non-statutory organisations. Combat Stress does good work and the hon. Member for Mole Valley rightly pays tribute to the way it assists service and ex-service personnel. Discussions are taking place between Combat Stress and the national specialist commissioning group, which will consider the application for assistance and funding once the discussions are complete. I accept his point that some of those discussions have been going on for a while and that we must draw them to a satisfactory conclusion. As far as I am concerned, a satisfactory conclusion means ensuring that the people who need help get that help. To do that, we must bring together the statutory sector and non-statutory voluntary sector to ensure that the best use is made of the services that people need.

The use of community psychiatric nurses with Territorial Army experience has been encouraging. They have common experiences and work with veterans' organisations to identify people who are not getting the right support. Such psychiatric nurses can deliver treatment themselves or refer patients to the services that they need. We are investing unprecedented amounts of money in psychological therapies. The treatments that people need if they are suffering from depression, anxiety or post-traumatic stress disorder are important components of that investment. Those are the conditions that are most often experienced by ex-service personnel. That investment, which will rise to £173 million next year, will pay for an additional 3,600 therapists. The service personnel Command Paper commits us to raising awareness of the needs of veterans and to meeting those needs.

As part of our improving access to psychological therapies initiative, we published "Commissioning for the Whole Community", which shows how primary care trusts can ensure that veterans get access to the mental health services that they need. In March, we issued more specific guidance on providing psychological treatment to veterans. It is for PCTs to commission services, including those from the third sector, based on an assessment of the needs of the local population. That includes veterans. We also underlined to the NHS the importance of taking account of the special needs of veterans, including possible psychological conditions, in the operating framework for the NHS.

Sir Paul Beresford: I hear what the Minister is saying about PCTs. Although the numbers we are discussing are large as a percentage of the troops, they are not large as a percentage of a PCT's portfolio of difficulties. Therefore, there is much to be said for centralising the arrangements so that veterans get the special treatment that they need. That could include the centralised funding of organisations such as Combat Stress.

Mr. O'Brien: The hon. Gentleman is right that we must identify where the services would best be provided. The general view is that services are best provided where there is a local need for them. As he has identified, this is a national problem. We must ensure that we identify how the services can best be provided and that we are not providing them just in London. We must have services for personnel who are based around the country. By and large, those will have to be local services. We might also need a national component. The discussions between Combat Stress and the various commissioning organisations must therefore be brought to fruition so that we can put in place the overall services that will best ensure that those to whom we owe a debt get the services that they need.

Sir Paul Beresford: I thank the Minister for moving in the direction that I am trying to drive the debate. Organisations such as Combat Stress have outreach services that are linked closely to the pilots, as he said. Such services generally provide respite rather than treatment. The services should be driven from the centre, so that NHS bodies and organisations such as Combat Stress can put the diverse services into local areas without involving PCTs because of the key importance of this relatively rare and unusual problem.

Mr. O'Brien: It is on that point that I begin to part company with the hon. Gentleman. For each individual, we must put in place a package of services that is appropriate for them. We should not assume that a national organisation can do that without having close involvement with the local services that a person may need in Doncaster, Worcester or some other part of the country. Such an organisation should be in contact with local medical services, rather than trying to parachute in some sort of overall service nationally. Local service provision is crucial to individuals because they might not simply need one particular piece of medical help;

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they are more likely to need a package of help. A number of services need to be in a position to provide what an individual needs, and that requires the local PCT to be engaged in the issue.

Throughout the whole of the NHS, we are trying to make it clear that veterans' issues are some of the key areas on which the NHS has to focus. The matter has not been dealt with in that way in the past, so it is quite a change for the NHS. I do not want to dilute the effort that is going on throughout the NHS to say to PCTs, which commission many of these services, "You have got to ensure that the services are in place for veterans where they are needed and that includes mental health services." It is important that, where there is a need to provide some service at a national level, that can be done, but it is also important to ensure that where we have the ability to put in place local services—a package of services—to help individuals, we do so and people get the help that they need.

The pilot schemes will give us a better understanding of how we can engage nationally and locally to ensure that we provide the right type of mental health service for a diversity of people. Such services will not all be standard. People with post-traumatic stress disorder have different requirements, and it is important to respond to the particular needs of those people—for example, it might be that PTSD is exacerbated by a condition regarding homelessness or an employment or education issue. We need to make sure that a number of other local services are there to provide support. I do not claim that we have got it right. We must do much more and there is a much bigger agenda, which is why we now have a Veterans Minister in the Ministry of Defence and why we have stressed in recent years that we need to have much better services for veterans.

Earlier this afternoon, I was concerned to note that—the hon. Gentleman appears not to know about this—the Conservative party put out a statement, in which it said that it regarded the provision of mental health services for ex-service people to be a national scandal and that Britain was sitting on a time bomb. One would have thought that such rhetoric would elicit a major set of proposals, but the Conservative party made just one proposal. The single proposal—I understand that no extra money was proposed and, from the press release, I believe that no other ideas were put forward—was that there should be a telephone helpline. Well, the service charities already have helplines—the Royal British Legion has one and there is also the medical assessment unit at Guy's and St Thomas' NHS Foundation Trust. It is not clear what another telephone helpline would add. I am interested in the idea and will by all means look at it, but such a response—a single proposal—does not seem to justify the level of rhetoric of the press release and is somewhat inadequate.

We do not want to deal with things simply by having a telephone helpline, which to some extent already exists; we want to put in place a larger package, so that the whole of the NHS responds to the needs and concerns of services' veterans. Responding in such a way will mean that if people have mental health problems, there is a package in place and we can provide services at a national level by working with organisations, such as Combat Stress.

We will work through the negotiations to enable the best possible package for people. I cannot guarantee the outcome of the discussions, but what I can say to the hon. Gentleman is that I will go back to those who are negotiating and say that we want the matter resolved. We must continue to improve the quality of what we do for veterans, and we still have a lot of work to do. We have put in substantial extra funding and have made the matter a massive priority in recent years, but we want to ensure that there is a broad-based improvement in the circumstances of veterans and military personnel in the coming months and years. That is the least we can do for our service personnel. We will keep working with other Departments and groups such as Combat Stress to make sure that the right service support is put in place for our Army, Navy and Air Force personnel. We owe them that.

Apprenticeships

4.35 pm

Mr. George Howarth (Knowsley, North and Sefton, East) (Lab): I begin by making a declaration of interest. Some years ago, when I was 16 years old, I undertook an engineering apprenticeship. I will leave it to others to judge whether that was a good or bad thing for the rest of the country. However, it has left me with a strong commitment and belief that, for many young people, the format of an apprenticeship is the best way for them to secure their future careers.

I was prompted to seek this debate following the excellent achievements of Knowsley council's apprenticeships scheme. However, this is also a question of national relevance, and it is within that framework that I want to conduct part of the debate. How do we ensure that we are prepared to thrive as a country when we come out of the economic downturn? Many things can be done to support industry through these difficult times, but one thing is absolutely certain: it is vital that we continue to build an appropriate skills base. If we cut training now, there will be long-term, detrimental consequences.

More than 130,000 businesses already offer apprenticeships in England alone, yet that number needs to rise considerably if the target of one in five young people undertaking apprenticeships is to be met. That sets a clear direction and message about the sort of country that we want to be: one with a highly skilled work force and a modern, vibrant economy. Of course, industry has a vital role to play, but without support from the Government, businesses will inevitably struggle to deliver.

Funding is required to ensure that appropriate training is readily available. It is very helpful that the Government fully cover the training costs of apprenticeship programmes for those aged between 16 and 18. Given the importance of having a strong skills base for the economy, I hope that that will continue, although difficult spending decisions will have to be made in the next few years. However, perhaps the most challenging aspect is ensuring that the right apprenticeships are available and matched to the most appropriate prospective apprentices. I welcome the Government's Apprenticeships, Skills, Children and Learning Bill, and I will return to that subject later.

I shall now focus on the role that local authorities can play, using Knowsley council as an example. The council leader, Councillor Ron Round, has taken a very active leadership role and encouraged an innovative approach to ensuring that potential apprentices have the right selection of skills for the businesses that might wish to take them on.

The Knowsley council 100 apprenticeships gateway project identifies what is called a talent pool of eligible young people who are keen to secure an apprenticeship. They are then matched up with local businesses and the cost of training is subsidised. During the project's first year of operation, in 2008-09, some 55 gateway apprentices gained employment in 27 different companies. The sectors involved included accountancy, engineering, IT, business administration, hospitality, customer service and social care. Phase 2 of the programme was launched earlier this month, and more than 600 applicants and 106 prospective employers have already been identified. That has been achieved through a dedicated team that offers advice and guidance to businesses and prospective apprentices.

The team, which is led by Knowsley community college and works alongside local subcontractor partners, has increased overall college apprenticeship framework success rates by 11 per cent. to 70 per cent. in 2007-08. The Minister will know that that is significantly higher than the overall success rate for apprenticeship providers across Merseyside and that it is also above the 63 per cent. national average—a rate that has grown from below 40 per cent. since the apprenticeship scheme was nationally relaunched.

Programmes are offered in 10 key occupational sectors at level 2 and in nine sectors at level 3. In total, they have reached more than 850 apprentices during the current year. By working together in partnership, they ensure that both businesses and apprentices make the most of the excellent opportunities that are available. Of course, Knowsley is not alone among local authorities in implementing policies to support local people and combat unemployment. Nearly five out of six councils have set targets to reduce the number of 16 to 18-year-olds who are not in employment, education or training, some 83 per cent. have targets to improve residents' skills and 89 per cent. have at least one target on increasing employment.

Despite those achievements and the accompanying commitment that goes with them, there is cause for concern. With the disbanding of the national Connexions service, local authorities now have responsibility for information, advice and guidance services for young people in England. It has been well reported that some councils have taken that on board and are well prepared for those responsibilities, but some services have been decimated by cuts and are now patchy to say the least. That service provision affects the quality of information and advice available to students in many secondary schools, and it is clear that, in some cases, the necessary advice and information simply is not getting through to students. I am particularly concerned that students need to know about the advantages that apprenticeships can offer, because, if they do not, the chances are that they will be less likely to pursue that option. Will my hon. Friend the Minister give an assurance that the situation is being properly monitored and that action will be taken to rectify matters where there is a less than adequate service?

From 2010, with the disbanding of the Learning and Skills Council, local authorities will be responsible for commissioning apprenticeship provision for 16 to 18-year-olds in their areas. The Department for Children, Schools and Families is working with the Local Government Association's React team to ensure that there is a smooth transition, but while colleges and sixth forms may feature strongly on the radar of local councils, some of the work-based learning providers that deliver the bulk of training for apprenticeships have a lower profile.

Will the Minister update us on what steps are being taken to ensure that all councils are aware that they have a responsibility to promote apprenticeships equally with other post-16 learning options and that, in the pursuit of best value in commissioning arrangements, work-based learning providers are invited to tender for the delivery of apprenticeship training alongside other providers? I have reason to believe that some employers—for

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example, one person who is able to offer some training as a provider—are often at a disadvantage in comparison with larger organisations, which are in a better position to tender. Such training may make a small contribution, but it may also be significant, and it might be worth the Minister looking into how that situation works.

It is important to remember that real apprenticeships include a contract of employment with a local employer and that young people value those contracts. Work-based learning providers, by definition, have very close links to local businesses. Local authorities across the country should look at the case studies that are available, particularly that provided by Knowsley council, and consider whether they would benefit from implementing a similar approach.

I have mentioned the snappily titled Apprenticeships, Skills, Children and Learning Bill, which is currently completing its remaining stages in another place. It includes measures to establish the Young People's Learning Agency, which is intended to support local authorities. I hope that that agency will look at what Knowsley is doing and perhaps use it as a model for other areas.

I support the proposals to give all suitably qualified young people the right to an apprenticeship by 2013 and to give a more general right to workers to ask for time off to train. How such measures are implemented will be crucial to their success. As well as the right to an apprenticeship, it is vital that such opportunities are relevant and well-matched. Again, the lesson from Knowsley is that that can be achieved through effective partnership working across all the parties concerned.

I started by saying that I have reason to be grateful for the older version of the apprenticeship scheme, and I do. I hope that future generations of former apprentices will be able to stand in the House in 20 or 30 years' time and say how grateful they are for the apprenticeship that they had.

4.47 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Ian Austin): It is a great pleasure to take part in this debate under your chairmanship, Lady Winterton. I congratulate my right hon. Friend the Member for Knowsley, North and Sefton, East (Mr. Howarth) on securing the debate, and thank him for all the work that he does, for his dedication and for the way he has spoken this afternoon. I think that we agree that this is the most important cause of all—enabling young people to fulfil their potential and be given the skills that they need to climb as high as their hard work and talents will take them. I congratulate him on showing such keen interest in apprenticeships and in local government.

During his membership of this House, my right hon. Friend has made himself an expert on skills and training, as befits a former teacher and someone who served an apprenticeship early in his career. His enthusiasm for a discussion about the role of local authorities in promoting apprenticeships provides a welcome opportunity to consider the good work and progress that councils around the country are making and the work that is being done by various Departments. I join him in paying tribute to the superb work of Knowsley council in introducing apprenticeships and expanding opportunities for young people in its area. I shall return to that issue later.

As my right hon. Friend has indicated, the Government are committed to building on the solid foundation of apprenticeships that we have laid in the past 12 years by increasing the number of apprenticeships available to young people and adults. In 1996, the number of people starting apprenticeships was just 65,000; by 2007, that number had increased to about 225,000, which was a 22 per cent. increase on the number in the previous year. The Government have helped more than 2 million people to start an apprenticeship, and we aim to have delivered more than 250,000 apprenticeship starts each year by 2020. To support that commitment, the Prime Minister announced a £140 million package in January to deliver an additional 35,000 apprenticeships this year, building on the £1 billion that has already been invested. He was right to say that investing strongly in apprenticeships will help not only those young people, but the country's competitiveness, and it will extend opportunities to people who face redundancy.

We all know that the only way we will attract the jobs and businesses on which our country's prosperity will depend is by showing investors that we have the skills that they need, and that the only way businesses will be able to compete is with highly skilled workers who will enable them to innovate more, exploit new technologies and capitalise on new ways of working to boost productivity, open up new markets and win new customers. We all know that if we do not adopt that approach, we will be much more vulnerable to competition from the countries and economies that do.

If anyone needs convincing about that, they should remember the two most important facts from Lord Leitch's report on skills: seven out of 10 people who will make up the work force in 2020 have already left school, and, by then, there will be only 600,000 jobs that require no qualifications, compared with 3.5 million before the recession.

Therefore, it is crucial that my Department and other Departments work closely with employers to ensure that Britain has a work force with the skills and capabilities to meet our future challenges. Through our ongoing relationship with the Local Government Association, we have demonstrated to local government that it is vital in promoting and delivering more apprenticeships. The public sector and, within that, local authorities, have a crucial role to play. As an employer, the public sector supports around one in five of the work force. It is important, when everyone is facing the challenges of the recession, that we support people with jobs, skills, and training.

At least 21,000 of the extra 35,000 apprenticeship places that we have announced will come from the public sector. We are doing that because apprenticeships are a key route to building the national skills base and, at a time of economic downturn, it is vital that we continue to invest in people and their skills for the longer term. Apprenticeships offer employers important benefits, as my right hon. Friend said. Investing in a work force who have the right skills and experience to help a business develop and grow is an investment for employers as well, as they are less reliant on buying in temporary support.

To help to increase the number of employers offering apprenticeships, the Government have worked alongside local authorities and businesses. Our investment of £1 billion supports apprentices in all sectors. It enables young

people in particular to increase their earning potential. An apprentice obtaining a level 2 qualification will go on to earn around £65,000 more over their lifetime than those who have not trained, and individuals with an advanced apprenticeship will go on to earn, on average, £100,000 more.

To ensure that more young people can access these opportunities, we are introducing legislation in the Apprenticeships, Skills, Children and Learning Bill which, for the first time, will put the apprenticeship programme on a statutory basis with other qualifications, as my right hon. Friend indicated.

It is important that a place on an apprenticeship programme is available to all young people who are suitably prepared and qualified for the programme by 2013. As we make apprenticeships a mainstream option available to all 16 to 18-year-olds, we will invest in training for older learners as well.

As my right hon. Friend set out so well, local authorities have a vital role to play in promoting apprenticeships in their communities and among local employers. I am happy to give him the assurances that he sought. I shall ensure that we write to him with more details about the monitoring arrangements and the encouragement that is being given to local authorities to promote and deliver apprenticeships in their area. I can tell him that there is considerable support and enthusiasm from local government for working with businesses in the local economy to generate new apprenticeships, but also, as employers themselves, for creating apprenticeships in the delivery of local public services. The LGA has announced a challenging ambition to increase apprenticeships in councils from 7,500 to 15,000 to help to deliver the target of an additional 21,000 apprenticeships in the public sector.

I join my right hon. Friend in paying a particular tribute to the work of Knowsley council, and I thank him for everything that he has done to support it. He spoke in detail about what Knowsley has been doing, but, on behalf of the Government, I would like to place on the record our admiration for everything that it has achieved. As he said, its innovative and pioneering programme has secured employment and training opportunities for more than 100 of Knowsley's young people, and at a great pace. It is the first programme of its kind in the area, and a great example of how local authorities are working to support the Government's agenda to increase apprenticeships and skills in communities. The council leader, Ron Round, whose vision it was to recruit 100 apprentices with local employers in less than 100 days, has set a benchmark for Knowlsey's work and an example for other local authorities to follow. I am confident in saying that none of that would have happened if it had not been for the support of my right hon. Friend.

I was also pleased to learn from the new National Apprenticeship Service that in the Knowsley and Sefton areas more than 2,000 active apprentices are currently developing key skills in sectors such as construction, business administration, hairdressing and customer services. Again, I pay tribute to my right hon. Friend for working with employers in his area to encourage them to take up and provide apprenticeship places for local young people.

By providing key links with local businesses, Knowlsey council is creating opportunities to employ some of the brightest and best young people in the borough, and by developing partnerships and working with businesses, local education bodies and employment partners such as Jobcentre Plus, Knowlsey is helping to generate employment, as my right hon. Friend said.

We want similar work elsewhere in the public sector. In the pre-Budget report, we committed to using the Government's buying power to promote apprenticeships. In letting contracts for construction projects, Government Departments and their agencies will now for the first time consider making it a requirement that successful contractors involved in public sector delivery have apprentices as an identified proportion of their work force.

Extending the principle beyond central Government, the then Secretaries of State for the Departments for Innovation, Universities and Skills and for Communities and Local Government wrote to local authorities on 2 June to encourage councils and public sector employers to promote skills and apprenticeships through the £42 billion a year that they invest. Not only are we putting in place procedures to use the central Government procurement process to encourage companies, including small and medium-sized enterprises, with access to Government-funded contracts to offer apprenticeships, but we are working effectively with local authorities to support them in using their spending power to increase opportunities for apprenticeships. In the guidance, "Promoting skills through public procurement", which was published by the Department for Business, Innovation and Skills and the Office of Government Commerce in April, we have set out how skills and training requirements can be legally embedded across all stages of the procurement process, from identification of need through to the way in which contracts are managed. We are now working with local authorities to raise awareness, spread good practice and identify areas where there is scope for local authorities to do more.

We want local authorities, with the assistance of regional development agencies, sub-regional partnerships and regional improvement and efficiency partnerships, to respond to the challenge set by the "New Opportunities: Fair chances for the future" White Paper and by the Houghton review to embed skills development, and apprenticeships at a local level. To that end, we are encouraging local authorities and city regions to make their own commitments on skills through public procurement, which will help them to deliver their local authority agreement and multi-area agreement.

Apparently I have been appointed the new champion for apprenticeships in the DCLG. I take a keen interest in ensuring that we promote the benefits of apprenticeships to local authorities and to the communities that they serve. We are committed to supporting around a dozen apprentices within our own departmental work force. I am also keen to develop new ways that my Department, working closely with the LGA, can encourage and support local government in helping to get more people into apprenticeships. We will work with local authorities to ensure that there are linkages between LAA and MAA targets, that we engage young people who are currently not in employment, education or training, and that apprenticeships are fully understood and taken up by them.

We will also use our relationship with our agencies and delivery partners to promote apprenticeships. The Homes and Communities Agency, for example, has

[Mr. Ian Austin]

given a commitment that all construction work procured by Government Departments and their agencies should, where feasible, include a requirement for successful contractors to have apprentices as an identified proportion of their work force. That commitment is a high priority for the HCA, given the current economic climate, the high levels of unemployment of young people and the need for a skilled work force to sustain the required number of housing developments.

Economic downturns have historically been particularly severe on industries such as construction, but through our pledge to increase social housing, we have increased the opportunity to invest in construction apprenticeships. We would like more councils to follow the example of the award-winning partnership between Sheffield city council and the Kier Group, which has generated more than 1,000 employment and training opportunities since 2003. We would like more councils to contribute to developing those relevant and vital skills. To assist them in retaining and investing in the sector, ConstructionSkills is helping to match displaced apprentices to employers. More than 700 apprentices have been retained in the sector and are continuing to develop their skills.

Across the English regions, we have made up to £185 million available to RIEPs to work with local authorities and strategic partners in each region to support improvement and efficiency in the delivery of services. In the case of Capital Ambition and the London-based RIEPs, for example, we are supporting boroughs to increase the number of apprentices directly employed by them. Apprenticeships or other youth training schemes are now running in 95 per cent. of London boroughs. Therefore, not only is there now an increase in the proportion of young people working in London local authorities, but there is an increase in those people's career opportunities and the authorities are contributing to the achievement of their targets.

The working neighbourhood fund is also making a contribution in helping to build capacity to deliver more apprenticeships. Knowsley council is a prime example in that regard, because it is investing £1.5 million of its working neighbourhood funding in supporting employers.

Despite the progress, we recognise there is more to do. With the National Apprenticeship Service operational since April, we are beginning to deliver tailored support and services to employers and local authorities across the regions. New technology, such as the National Apprenticeship Service's online vacancy matching service, is increasingly making it easier to recruit people into apprenticeships. By working in partnership with local businesses, local authorities will continue, as in the example of Knowsley, to turn ambitions for more apprentices into real opportunities for local people.

In conclusion, I hope that my right hon. Friend agrees that the Government have done a huge amount to promote apprenticeships and to recognise the vital role that local government has to develop them still further. I hope that I have demonstrated the Government's belief that the role of local authorities is crucial in improving the skills of the communities that they serve. We have already provided local authorities with greater financial support, a clear ambition and a compelling vision; we have established the National Apprenticeship Servic[illegible]people through these difficult economic times; an[illegible]will do all that we can through our own recruitment and procurement programmes to provide people with the skills and opportunities to come through the recession stronger. We are doing all that because we know how important driving up skills and knowledge and boosting innovation and productivity are for individual people, the communities they live in and for our economy as a whole. These are great challenges, but the prize of transforming our economy by using those skills to make companies more successful and to bring new businesses to places such as Knowsley, creating new jobs and generating more wealth and prosperity, is greater still.

Question put and agreed to.

5.2 pm

Sitting adjourned.

Westminster Hall

Thursday 16 July 2009

[JOAN WALLEY *in the Chair*]

Housing and the Credit Crunch

[Relevant documents: Third Report from the Communities and Local Government Committee Session 2008-09 HC 101 and the Government response Cm 7619. The Eighth Report of the Communities and Local Government Committee, Housing and the credit crunch: follow-up, HC 568.]

Motion made, and Question proposed, That the sitting be now adjourned.—*(Mr. Ian Austin.)*

2.30 pm

Dr. Phyllis Starkey (Milton Keynes, South-West) (Lab): In opening the debate, I want to set the report in context and draw Members' attention to the fact that a second report on this issue has just been published—the Committee's eighth report of this Session—which is the second stage of our look at housing and the credit crunch. I shall refer to some of that report's content, although the Government have not yet had time to respond to it.

Let me start by restating the importance of housing policy to Members across the House. That is reflected in the number of inquiries that my Committee has published this Session on matters of housing policy, notably our reports on affordability and the supply of housing and on rental housing. Almost all Members of Parliament know from their constituency case load what an important issue housing is. The mix of relevant issues will differ between constituencies, but a big issue for all MPs is the difficulty that people have in accessing affordable housing, whether to buy, part-buy or rent. That is the background to the report.

In our earlier reports, we endorsed the Government's decision to set very challenging house building targets, including on the proportion of affordable housing and homes for social rent, so the Committee has been greatly concerned by the effect that the credit crunch has been having on the Government's ability to deliver those targets and by its other effects on the housing market. As a result, we decided to have a one-off session in December 2008, which is discussed in the main report, and a follow-up session with the same witnesses in June 2009.

I shall go through some of the main points that came out of the report and the Government response to it, starting with house building targets. We have already welcomed the Government's targets to deliver 2 million homes by 2016 and 3 million by 2020, which equates to 240,000 homes a year. The Government were starting to increase the rate of house building before the credit crunch intervened, at which point house building rates dropped through the floor. There were then voices calling for the Government to revise their targets on the basis that they would have difficulty in delivering them, but we do not think that they should change the targets.

Clearly, the timeline to reaching the targets will be different, but they are important; indeed, we think that they still are not high enough. The latest results from the national planning and housing advice unit suggest that rather than 240,000 extra homes a year being required, 252,000 will be required up to 2031 if we are to deliver on housing need and to meet not only the continued growth in households but the backlog that built up in the decades when house building did not keep pace with household growth. So we think that the targets should be retained, even though we recognise that the Government will have difficulty in reaching at least the 2016 target, because of the credit crunch.

We welcome the various measures that the Government announced before our first report, as well as the extra £1.5 billion that they have subsequently brought forward. We welcome in particular the provision of additional funding to housing associations, and now councils, to enable them to bring forward more social rented homes. We also welcome the steps that have been taken to improve the flow of mortgage finance, because we have received considerable evidence that the lack of mortgage finance is a huge problem for those who are attempting to buy at market rates and in the shared-ownership sector.

We have highlighted the key issue that, if house building is to recover when we start coming out of the recession and as a result of the measures that the Government have been taking, we have to retain the skills and expertise of those who work in the construction industry within that sector. If we do not, we will repeat what happened after the last recession, when it took the house building industry far too long to recover and rebuild its skills once all the other factors were removed and once mortgage finance was flowing again and people were able to buy. So we are very concerned about retaining skills and capacity. We are particularly concerned that, when the Government consider how to increase house building, they should reconsider the mix of housing types, because we believe that the change in the economic situation has altered people's ability to exercise the home-ownership option.

Now that I have given an overview of the issues that we have raised, let me pick out one or two of them for discussion. I am pleased to see that several other hon. Members have arrived in the Chamber; no doubt, they will wish to contribute to the debate from their different viewpoints. I have mentioned the difficulty that first-time buyers and people on low-to-moderate incomes have been experiencing in expressing their need for housing through having the economic ability to buy. We are particularly concerned that low-cost home-ownership schemes have suffered because of people's inability to access the mortgage finance that they need.

We have also raised our concern that the Government, in their commendable wish to tailor schemes to meet the evolving needs of different groups, ended up with a complicated system with a variety of low-cost ownership schemes that it is difficult for people to navigate their way through. The Government have responded to that concern by saying that all the schemes are at least delivered through the single point of a contact homebuy agent. I know from my constituency how effective such measures can be, but we are pleased that the Government have now launched a rent-to-homebuy scheme to meet the further needs of people who want to rent before moving into shared ownership. However, we still feel that the Government need to go further in clarifying and properly signposting the different schemes that are available, so that people are able to benefit from the scheme that is most appropriate to them.

[Dr. Phyllis Starkey]

On the balance of housing tenure, I think that we all recognise that most people aspire to own their own home. It is clear, however, following the chaos that ensued with the sub-prime mortgage market and the practice of encouraging people on uncertain and irregular incomes to enter into heavy borrowing commitments that they were then unable to maintain, that even when the mortgage system is up and running properly again, a tranche of people who would previously have been able to access mortgage finance through the sub-prime market will no longer be deemed to be prudent risks and therefore will not be able to access mortgage finance.

As a result, we think it is obvious that more people will need to rely on the social rented or market rented systems in future and that the Government should recognise that and reconsider their overall policy. We have previously pushed the Government to increase the annual target for new social homes, and we are pleased that they have raised it to 45,000. They should perhaps be keeping that under review and increasing the target still further, because there will be a greater need for social rented homes.

The various steps that the Government and others are taking to encourage the transition between rental and ownership, such as the rent-to-homebuy scheme, are extremely welcome. There is possibly a need for more such schemes. I should like to mention a housing association scheme in my constituency, which is run by Places for People at Wolverton Park. I have spoken about that development before because it is in the old railway engineering works, so it is architecturally interesting as well as being a mixed-tenure development. It has come on stream just when finance is particularly tricky, and Places for People has responded to that by developing a range of financial products to offer to potential buyers, including 100 per cent. mortgages with no deposit, an equity loan of up to 30 per cent. and a buy-back guarantee for the first three years to protect the individual against negative equity.

Places for People is also encouraging people to rent first, with the option of buying subsequently, so that it can maintain a truly mixed-tenure development, while ensuring that the properties are occupied and homes are not standing empty. That is a good example of how a housing association can work to complement the measures that the Government and, of course, some private developers are taking to make sure that houses are occupied and are not left empty simply because individuals do not have access to the mortgage finance that they need.

Although I think that everyone accepts that the slow-down in house building is primarily related to the inability of individuals to buy and the reduced access to mortgage finance, some have suggested that a relaxation of environmental standards on new homes and possibly also a relaxation of other requirements on developers, such as the existing section 106 requirements, would enable developers to bring forward housing more quickly. The Committee was absolutely clear that it felt the environmental standards set out in the code for sustainable homes and in building regulations must be maintained. It would be short-sighted to reduce those standards, because the homes that are being built are not just for now; they are for the next 50 years at least.

Such standards are also a key part of encouraging the construction skills and products that underpin increasing the environmental efficiency of our homes, so it is important to ensure a guaranteed market for those products. If the Government were to reduce those standards now, it would send an extremely bad signal and reduce still further the market for the sort of construction skills and equipment that are necessary if we are to improve our housing stock and ensure that new houses are built to much higher standards. Obviously, the Government's target for all new homes to be zero-carbon by 2016 is an important part of that.

On mortgage finance, we were particularly concerned—I am trespassing slightly here because this was in our second report rather than our first—that the feedback we got from the mortgage lenders indicated that the Government's asset-backed securities guarantee scheme did not seem to be working as well as it should. Although that is primarily a matter for the Treasury Committee rather than us, it is important to flag up the issue. The Treasury Committee has taken evidence along roughly the same lines and will, doubtless, be making recommendations on how it believes that mortgage finance schemes can be improved.

The final subject to which I shall turn is that of existing home owners and the measures that need to be taken to try to prevent them from losing their homes through repossession if they have problems in sustaining their mortgages. We were concerned that some of the measures that the Government have put in place—the pre-action protocol and the Financial Services Authority guidelines on the ways in which lenders should approach people who are in danger of mortgage repossession—cannot be enforced, and we wanted the Government to consider sanctions that could be put in place for non-compliance. We certainly had evidence that suggested some lenders are using repossession as a first resort, rather than as a last resort. That is why we were particularly concerned that lenders should be held to the commitments and guidelines to which they are supposed to comply.

We welcome the various schemes that the Government have put in place, particularly the mortgage rescue scheme. However, it has already been noted that the scheme has helped many fewer people than expected. From the evidence that we were given, it was not at all clear whether that was because a lot fewer people were in the eligible group and at risk of mortgage repossession than expected, in which case the scheme would obviously not help that many people, or whether people were not aware of the scheme and were not gaining access to it. The Government need to look much more closely at what is happening in relation to mortgage repossession schemes and to consider whether or not the lack of people being helped is good news in the sense that not that many repossessions are going forward.

Mr. Nick Raynsford (Greenwich and Woolwich) (Lab): Like many of us, I am sure that my hon. Friend has noted the Council of Mortgage Lenders' downward revision of the number of anticipated repossessions from, I think, 75,000, which it was forecasting earlier this year, to the latest figure of 60,000. She gave her surmise about the impact of the Government's measures and the fact that the protocol is leading to forbearance and the avoidance of repossession action. Those figures

seem to suggest that repossessions are being avoided on a larger scale than was perhaps expected. Would she like to comment on that?

Dr. Starkey: That is certainly probable. It is a matter of concern that nobody seems to know the answer one way or the other, but it is most likely that that might be a contributing cause. The lenders themselves gave evidence that indicated a much more active process is taking place at the moment and that individuals who are having financial difficulties are speaking to their lenders at a much earlier date than they had done previously.

We are all aware of the psychology of people putting their head in the sand and hoping that their debt problems will go away. Many of us have constituents who come to us with consumer credit problems and the first thing we say is, "Why on earth didn't you seek help earlier?" People have a tendency to wait until the whole thing has become completely insurmountable before asking for help. Probably because of all the publicity about repossessions and the schemes available, it appears that people are at least speaking to their lenders at a much earlier stage.

Let us be blunt and point out that the lenders themselves have recognised that the state of the housing market means that it is not in their interests to repossess, because the only point in a mortgage company repossessing a property is so that it can sell the property and achieve a capital inflow. The current state of the market means that mortgage companies would not be able to sell, so it is in their interest to maintain the person in the home and to get some regular payments from them, even if the amount is less than what is actually due.

A further issue is that a significant number of repossessions have been in respect of buy-to-let mortgages. That is obviously of concern to the person who owns the home, from whom it is repossessed, but there is a separate issue regarding the tenants of buy-to-let landlords, many of whom first realise that they are losing their home when the property is repossessed, despite having paid rent to the landlord. The Government have taken measures to try to sort that out and to make sure that tenants are given decent notice. Again, encouragement has been given to mortgage companies repossessing such homes to maintain the tenants and just collect the rent off them.

It is not clear why there has been such low take-up, and that points to the fact that when the Government introduce such a scheme, some monitoring would be a good idea, so that everybody is aware of how it is working. If few people need to use it, the public money allocated to it could be redirected to some other group that could make use of it, including, presumably, housing associations which could build more houses.

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): We met the CML for a briefing this week, and several interesting points came out about the rescue scheme. First, it took some time for people who might benefit, but also local authorities to become aware of it. Certainly my own authority, Sheffield, to begin with denied any knowledge of the scheme or that it should be involved in it. That has taken a bit of time.

Secondly, people almost certainly look for alternatives. They see a rescue scheme as a last resort. They would prefer to defer their interest payments for a time and hopefully get back into work.

The CML also said that very few people have come out at the end of the rescue scheme, having completed it, but that there are now many more people in the pipeline being processed. That will take a bit of time as well.

Dr. Starkey: Absolutely. Again, that points to the need for the Government to keep a close eye on how a scheme is operating so that they can get early intelligence as to whether they need to step it up, or, as I said, step it down a bit and reallocate the money elsewhere.

I want briefly to touch on housing associations. We welcome many of the steps that have been taken to increase social housing grant money to housing associations. We were convinced again of the sense in the Government's decision to create the Homes and Communities Agency. That decision, and the fact that the agency is up and running, have been particularly helpful during the credit crunch. The HCA has been able to respond more flexibly and in a more timely manner than might have been possible if we had still had the two separate agencies, the Housing Corporation and English Partnerships. The HCA definitely was created at just the right time, and it has come into its own, so to speak.

Similarly, we welcome the proactive approach taken by the Tenant Services Authority to facilitate dialogue between housing associations and lenders. We were concerned by the evidence that we heard in December about the way in which some lenders seemed to take advantage of any slight change in housing association governance to increase the costs of borrowing.

One example was a housing association that had been attempting to reduce its costs by a sensible reorganisation, which it put off because, had the reorganisation gone ahead, it would have incurred enormously increased borrowing costs. The bank would have taken advantage of the change to alter the terms on which it lent to the housing association. We thought that such behaviour was particularly unhelpful.

We had concerns about the interaction between housing associations and their lenders, and we continue to have concerns about the ability of housing associations to deliver new housing under the model of finance that was in operation before the credit crunch.

I will conclude by saying that this report was intended to be a snapshot of the situation in December, and the follow-up report was to be a further snapshot. We are beginning to see some slight green shoots in the housing market, which, clearly, are welcome, but the scale of the turnaround that is required, if we are to get back on target to deliver the number of homes that are required to meet people's needs, is so great that we think that the Government need to continue to look at what more they can do to get the upsurge in house building back on track more quickly. They need to look not just at the amount of money that they are putting into rejuvenating house building but at whether there might be further measures that they need to take. They also need to think about the longer term: when we do come out of the recession, will there need to be a bit of a rethink overall about the models for financing new house building? In particular, do new ways need to be found to bring in private finance in addition to direct Government funding?

Mr. David Drew (Stroud) (Lab/Co-op): Will my hon. Friend give way?

Dr. Starkey: Let me finish this thought. It seems unlikely that the kind of profits that used to be available to private developers will be reinstated once we are out of the credit crunch.

Mr. Drew: Has the Committee yet had a look at trying to bring in pension fund finance? My hon. Friend knows that I am a great advocate of the community land trust model. We are looking seriously at whether we can persuade pension funds to get involved in that, because there are long-term returns and, obviously, they have not been too successful with some of their other investments. I wonder whether the Committee might look at that, if it has not already done so.

Dr. Starkey: We have not looked at that in particular, and it is unlikely that we will have a chance to look at it in the immediate future, but I am sure that the Minister has taken note of what my hon. Friend said. There needs to be innovative thinking across the board to explore all the possible ways forward, because—I reiterate this—the scale of the increase in house building that is required to meet housing need is so great that we must explore all possible avenues.

2.57 pm

Emily Thornberry (Islington, South and Finsbury) (Lab): I welcome the new Minister to his post. I suspect that we shall be speaking to him on many occasions. I am afraid that I, as a representative of an inner-city seat, will take every opportunity that I can to lobby him on what is, in the end, a key issue for the vast majority of my constituents.

When I was first selected as the Labour candidate for Member of Parliament for Islington, South and Finsbury, my predecessor, the right hon. Chris Smith, asked me, "What is your interest in housing?" I said, "Not much," and he said, "It will be." And it is, because when I knock on people's doors, they open them and say, "Oh, Emily. Can I just show you how I live?" They show me in, and I see the most appalling circumstances, day in, day out. When they come to see me in my surgery, I sit there hoping that they will ask me about anything other than overcrowding. I almost feel that I can help them with anything else, but I cannot help them with overcrowding.

I do not mean to exaggerate, and I will not. In every speech that I have ever made about housing since I have been elected, I have kept to a certain golden rule, which is that I will speak not about my worst case but about my last case. I had a surgery last Saturday, and, if I may, I will illustrate how bad the housing crisis is in Islington with the following cases.

A woman named Nelopa came to see me last Saturday. She lives in a one-bedroom flat with her two sons, one of whom has attention deficit disorder and behaviour problems. The flat has a combined kitchen and living room, which means that all three family members have to sleep in one bedroom. Islington allocates housing on the basis of points which are supposed to reflect need. I am afraid that those of us who live in Islington have a kind of ticker in the back of our head, and we can work out how many points someone is entitled to. Nelopa does not even have enough points to be eligible to bid for property. Even if one could bid, they probably would not get a place, but she is not seen to be in sufficient crisis need even to be given the opportunity of bidding for housing. Yet there are three people in a one-bedroom flat.

Another woman came to my surgery on Saturday; I will call her Sarah. She first came to see me two years ago. She was living then in a two-bedroom flat with three children. At that time, she was pregnant with twins and she needed to move. Two years later, she comes back to see me again. She is living in the same flat, but she now has five children. In addition, her teenage sister has come to live with her as well. So there are eight people in two bedrooms and they have scant hope of being rehoused. That is intolerable and it is very difficult for me, as a Labour MP, to see these people and to know what to say to them.

I do not always want to talk about bad news; I have already broken my golden rule by doing so today. Consequently, I have taken from the top of my letters pile from yesterday a letter that I was about to sign, which contains good news. I have seen a couple of people for many years and I have been trying to help them to get rehoused. They were living in a two-bedroom flat with their three children. One of the children has type 1 diabetes, another one has autistic spectrum disorder and the third is fine, apart from the fact that he has had to sleep in the same bed as his dad for years. This family have been bidding for a three-bedroom flat for a very long time, but now they have been successful. Such successes sometimes happen, but far too rarely. Sometimes there is a glimmer of hope.

However the difficulty is that, because our housing system is overlaid by these very hard cases at the top, the woman who comes to see me as a regular thing every six months—I have referred to her before but I feel as if she is a kind of base line—is overlooked. She is a single woman with two girls in a one-bedroom flat. She also does not have enough points to bid. However, she comes to see me every six months and says, "Remember, Emily, I'm one of the ones who don't even have enough points to bid." It is because of the hard cases at the top of the system and because we can offer so little hope to them that the vast majority of the people who are overcrowded suffer. As far as I am concerned, that woman should not have to sleep on a sofa for the rest of her life, which is what she is going to have to do because she does not have any chance of going anywhere else.

The housing crisis within Islington is made worse, first, because we have not been building anything new and, secondly, because we are essentially kettling people in; we are putting them into a pressure cooker. When I was a council tenant in the 1980s, I was a Greater London Council tenant, so I could move around London because I was in social housing that was provided on a GLC basis. Now, however, all social housing is provided on a borough basis.

There are supposed to be a couple of schemes available; I think that one is called Seaside Homes and another one is called Move UK. They are not working; they have collapsed. It may be that the Minister will be advised contrary to that and on paper those schemes may be supposed to be working. However, I can assure him that they are not working and people cannot move out of Islington. So they are stuck.

Then I turn to my local authority, because in the end it has to be my local authority, working in partnership with the Government, that produces new homes. Before

I go any further, I should say—it is only right that I do so—that, when I first began to knock on doors in Islington, all the social housing in the borough was a disgrace. The lifts did not work, the passageways were full of urine and the properties were damp, disgusting and squalid. I fully appreciate that that had a great deal to do with previous central Governments turning their back on the poor of Islington and not giving sufficient central Government grant to have allowed for that social housing to be kept up to a decent standard.

When the Labour Government came in, I fully understand why it was so important that we got all our social housing, throughout the country, up to decent-home standard. I am very proud of that; it is absolutely the jewel in Labour's crown and we do not say enough about it. One of the reasons why we do not say enough about it is because, although we are now proud of the social housing that we have, people are in such overcrowded circumstances within inner London in that social housing. I know that there are problems throughout the country, but the problems that are particularly associated with inner London are truly exceptional. Given those problems, I feel that we should have London-specific policies to deal with them.

I am very proud to work on the Communities and Local Government Committee. I know that I am irritating in the extreme to my hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey), who is the Chair of the Committee, in my overwhelming interest in housing. However, I have that interest because I try my utmost to be a proper representative of my constituents and their desperate housing need.

Having said that, there are other issues that I ought to raise at this point. It was very important—the Select Committee highlighted it in our report in February—that the Government stepped in, particularly given the credit crunch and the crisis in housing. We urged the Government to step in, to ensure that the housing crisis would not mean that there would be a lesser focus on housing. We urged the Government to stick to their target for affordable homes that was set in 2007, to prioritise the provision of more social rented housing within those targets and to invest more money in the homes that we need.

In essence, the 13,000 families that are on the housing waiting list within Islington are not in a position to buy or part-buy; I assure the Minister that that is the case. That is because house prices are so high. I have written to the Minister about this issue and I have written again to him explaining that house prices are now at such a level in Islington that those families cannot even afford to buy a proportion of a property. Within the parameters that the Department for Communities and Local Government have set, they still cannot afford to buy a small one or two-bedroom, ex-council flat on the estates in Islington. The house prices have moved beyond the parameters set by the Department and I ask the Minister to look at that issue again.

In reality, for the people on the waiting list for social housing within Islington, affordable housing is social rented housing. I believe that in my constituency in the last 10 years, when the council has been run by the Liberal Democrats, the Liberal Democrats have had their priorities entirely wrong. We should absolutely be prioritising the building of social rented housing but far too much part-ownership property has been built by the Liberal Democrats, which has not meant the rehousing of those people on the housing waiting list.

It is difficult, given how extreme our—

Sarah Teather (Brent, East) (LD): I was listening to the hon. Lady's speech and I was enjoying it enormously until she got to the party political points, so I thought that I had better return the favour.

Does the hon. Lady not believe that the Government need to do a great deal more to enable councils to build more affordable housing for rent? I am sure that that is a point that we firmly agree on. For example, it is a shame that it has taken the Government 12 years to agree to dismantle the housing revenue account.

Emily Thornberry: I will move on to discuss that point about the HRA. Now, however, is perhaps the time that I ought to move on to another specific point. But before I do so, I will say that the analysis that I have done on new build within Islington shows that, in the last 10 years, only one in seven new flats have been social rented housing provided by the Liberal Democrats, which means that the housing waiting list continues to get worse and worse, because people simply cannot afford to buy. Although I agree that, in an ideal world, it would have been a very good idea for the Government not only to do up all the social housing within Islington but to build more social housing, nevertheless it may be that reality steps in and there are limits in the budgets that we have.

The one thing that we could do and should do but have not done in Islington is to stand up to developers and say, "You cannot build in this area unless 50 per cent. of what you are going to build is affordable housing and, in the Islington context, that is social rented housing." Because my local authority has not done that and instead copped out of doing it, many opportunities have been lost.

The situation is not helped by the fact that much publicly owned land in Islington has been sold off by the local authority, so that now the Government are focusing on building more affordable housing—social rented housing, in my book—there is very little public land upon which we can build social rented housing. That is a great shame and the problem continues to this day. For example, in just two weeks City Forum was given planning permission to build thousands of flats in a very large area of Finsbury. City Forum is building a large amount of student properties. Frankly, we have enough students. I like students, but we have too many students. We have enough student accommodation as it is and the precious land of Finsbury should not be used to build more student accommodation. Of course, the problem with student accommodation is that it is planning-flat. It does not become part of any percentage section—30 per cent., 20 per cent., 50 per cent., or whatever—that has to be met and so it just becomes neutral. Consequently, what always happens within a new development is that property for students is developed and whatever is left is parcelled up to the absolute minimum that the developer feels that they can get away with. Personally, I feel that we should be standing up to developers much more than we have been. We have lost an opportunity and we have lost too much land. People like Nelopa and Sarah are still languishing on the waiting list, because we have not been pragmatic and used the opportunities that have been available to us.

[Emily Thornberry]

My local authority recently stated that it would build a handful of council houses to rent, and I welcome that. At the same time, however, the Government are putting together a fund to kick-start projects that have started to dwindle and to augment the work that local authorities are doing, and I am concerned that my local authority has not stepped up to face the challenge. It has a handful of homes—that reveals the poverty of its ambition—but it is not committed to building as many social rented houses as it can. It is bidding for some of the funding, and we welcomed that until we realised from the small print that it wanted to use the funding simply to replace money that it had put to one side to build more council housing.

That is not the purpose of the fund. If the Government are stepping in to give local authorities more money, authorities should use it in addition to any money that they have set aside. It is wrong that we should end up with as little as we would have if the Government had provided no additional money. I lobby the Government to get additional funding for Islington, but then I see it fly out the back door because the local authority uses other funding for other purposes. In the meantime, Nelopa and Sarah sit on the waiting list.

I understand that proposals to reform the housing revenue account will be published during the recess. I realise that such reform is a complex, technical matter, but if it means that local authorities can take the lead in public housing programmes, it will be very welcome in Islington. It is vital that we get more money for new homes in whatever way we can, and I understand that there are advantages to borrowing through housing associations, for example, because that does not add to the public debt. In the end, however, my constituents do not care whose tenant they are as long as they get somewhere to live.

Many of us were interested in the suggestion that councils could borrow in ways that were seen as "reasonable", "prudential" or "sustainable", but will the Minister explain what that might mean in practice? Furthermore, I would ask the Government to ensure that tenants of councils such as Islington are protected from changes in the HRA subsidy system. For a variety of historical reasons, such councils have large debts to service, and it is vital that Islington tenants do not suffer as that debt is repaid.

Finally, I turn to the balance of tenure among new homes, and I underline once more the importance of social rented housing—in the end, that is what is important to those on the council waiting list in Islington. The strategic role of local authorities is vital and the HRA review is important, but it is for politicians and campaigners to debate the issues before us. The view of those on the waiting list is that we need more social rented housing. In Islington, we will be pragmatic and take that housing however we can, because we have an absolute crisis.

3.12 pm

Mr. Clive Betts (Sheffield, Attercliffe) (Lab): I begin where the Chairman of the Committee, my hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey) left off—with the Homes and Communities Agency. Obviously, the agency was not created to deal with the present crisis, but thank goodness that it was created. Along with the Tenant Services Authority, it has been proactive in at least ameliorating the damage that has been done in the current difficult situation.

The reality is there for all to see: some people cannot get mortgages; others are worried about the future of their jobs, so they are concerned about moving home or buying their first home. The fall in demand for housing has led to a dramatic decline in house building, but we argue in our reports that the need for housing is just as great as it was one or two years ago, even though there is lack of immediate demand because people cannot afford homes that they could have bought a year ago or because they are concerned about their future. There has also been a switch in the nature of immediate demand. For a long time, most people would look to buy, and that is what the Government focused on.

There has been great excess demand for a long time, and as we were reminded by my hon. Friend the Member for Islington, South and Finsbury (Emily Thornberry), there has been a chronic shortage of social housing to rent in many parts of the country. That is also true of my constituency. The position in Sheffield has been variable. At one stage a few years ago, the Liberal Democrat council was actually knocking council houses down, which seems rather a mistake in hindsight, and it is now looking to build houses on the same sites. That happened in the north of the city, but the south, where my constituency is located, has always had a greater shortage of social housing. We have not traditionally had as many large council estates, and many of the estates are very attractive, so large numbers of people have exercised the right to buy.

Even before the credit crunch, therefore, housing need was very real and was often unmet. People are now waiting longer and longer to gain access to a home that meets their needs. With the credit crunch, people who might have bought a couple of years ago cannot buy or choose not to do so, so demand for social housing has gone up even further.

At CLG questions the other day, I mentioned the case of Katie Wilson, who is one of my constituents. She tried all the Government schemes to get part-ownership of a house, and she failed at every hurdle. Eventually, she had to fall back on her position on the waiting list, which she has been on for about 17 years. She simply wants a home to rent in the part of the city where she grew up and where her family lives. That is not a big thing to ask for. She now informs me that she is renting privately for £500 a month, which is quite a lot for people on low incomes and quite a high rent for Sheffield.

The problem is repeated elsewhere. I probably will not have as many absolutely disastrous cases as my hon. Friend the Member for Islington, South and Finsbury—however bad the position is in the south of Sheffield, it is even worse in the south of Islington—but I have an awful lot of very bad cases. My heart sinks, just as my hon. Friend's does, when somebody walks into my surgery and says, "Mr. Betts, we've got this really serious housing case. Can you sort it out for us?" They will go through all the facts, and I will sit there listening. I will say "I absolutely agree with you. We should be able to house you. I see your circumstances." They may want to live near a parent with real caring needs, or their bus route may have changed, so they have to move to keep their job. They may also want to move near a grandparent

who can look after the kids, so that they and their partner can work—that has become increasingly common over the years. However, I sit there thinking, "They've got a very strong case, but so had the last three people I saw, and none of them is probably going to get re-housed in the foreseeable future."

The need for social rented housing is there and it has become greater. Our latest report therefore welcomes the Government's extra £1.5 billion, which comes on top of the money that was previously made available. That extra money has been offered to local authorities to build homes for rent, and it is great even in principle that we are building council houses again. Some of us remember the days when we had major house building programmes, and they were not all disasters. People often say, "Look at the high-rises that were built," but they probably forget that councils tended to build to Government direction in those days, and it was a national policy that sent us down that route. However, councils also built many attractive houses, and I hope that we can get into that business again. There will be a bit of a learning curve for many authorities, and it will take a bit of time to get the process going.

However, councils must be prepared to put their land in for free. If the Government are putting in social housing grant, councils must make a financial contribution, too. I have certainly encouraged Sheffield city council to do that. It is Liberal Democrat controlled, but all five Labour MPs in the city put a letter in our local paper, *The Star*, the other day saying that social housing is an absolute priority. We said that we could work on the issue across the political divide and that we were prepared to offer the council any support and assistance that we could when it bids for Government money, because housing is crucial for the people whom we represent.

In our report, we raise another question, which the Minister probably cannot answer today. A new programme of council house building cannot just be a quick fix for our current economic crisis and housing problems. There is a long-term problem with providing more social housing, and councils must play a real role in tackling it in the long term. We would like a commitment from the Government on that. We know that there are uncertainties about future public finances, and we always hear that health and education are a priority—the Leader of the Opposition certainly makes that clear, although the Opposition then talk about reductions in public expenditure, so we get the horrible feeling that housing might be one of the areas where they are talking about making reductions. We must make it clear not only that social and rented housing is a priority for us now, but that it will continue to be so in the future.

Allocations are a difficult issue, but I was pleased with the Government's announcement the other day. I accept that there are differences in different parts of the country, and I have explained my understanding of the even greater pressures in parts of London, but I have had concerns for a long time—the new Housing Minister and the Secretary of State recognise them—about people being on the waiting list for years and never getting the priority that would enable them to secure the homes that become available.

The classic case is something that happens regularly. People come to my surgery and say, "Mr. Betts, a house has come up down the road, and our children would like to move into it, so we can look after the grandchildren. They currently live five miles away, so it's all a bit difficult. We're really upset because someone has just moved in as homeless, and we understand from talking to them that they have only been on the housing list for two weeks. Our children have been on it for 12 years. Why"—this is just the way that people think—"couldn't they have had the home that my children want to leave, so that they could move near us? As things stand, they're just going to tread water on that housing list and never move anywhere near the top of it."

I thoroughly understand that if people are homeless, with children, in priority need and not intentionally homeless, they must be found a home, but there must be a better way to allocate properties than by saying that, because they are in immediate need, they get whatever house is available in any area, at the expense of people who have been waiting for that area for good personal reasons and for a long time. The Government have got that right, and it will be interesting to see the guidance and local authorities' response.

I welcome the housing revenue account decision. We had a good sitting of the Select Committee, with the Housing Minister, the other day. I pressed for a long time for the decision, which will give local authorities—particularly those with arm's length management organisations—greater certainty. The other day, I chaired a meeting of the all-party group on arm's length management organisations, and the message that came across clearly was that we need stability for ALMOs; they are an excellent development that brings tenants more into the management of homes, but many tenants are concerned about their instability, because of the complications of the housing revenue account and their inability to plan financially for the longer term.

Tenants have got the message, and the officers who came from ALMOs all over the country said that the quicker that the reform could be achieved the better, because it would provide enough financial certainty for things to move on. The Minister told the Committee the other day that he might have to get the agreement of all councils, because of the need to transfer debt between them; however, he said he might look at allowing those councils that wanted to become involved in the arrangements, after the two-month consultation period, to opt for the new scheme even if all authorities had not come in and primary legislation was needed to bring them in. I hope that the Minister will consider that, because speed is of the essence and we do not want ALMOs to start to unravel because of financial problems and the inherent instability of the current system.

I agree that the decent homes programme is a major step forward, but ALMOs want to move on now and ensure that they have the resources to maintain their stock to those high standards—even to improve them, particularly by energy-saving measures. They also want to build new homes. The Minister spoke to us about the need for equity in financial arrangements between those authorities that have not carried out stock transfers and those that have and about the ability that he hopes to develop for authorities to borrow prudentially against the rental streams from their homes, which would enable the new building to happen. That is an interesting development, which can put more money into social rented housing in the future and take us on from our current position.

[Mr. Clive Betts]

The Government have acted well on repossessions. The Committee was concerned, in the initial report, about whether the protocol would work. However, because of the fall in the number of repossessions forecast by the Council of Mortgage Lenders, there is probably more confidence now that the protocol may be ameliorating some of the worst effects. Ways are being found, with the deferment of interest payments, to help people who are in difficulties whose homes might have been repossessed in past recessions. The bringing forward of help through the support for mortgage interest scheme—it now starts at three months, rather than nine months—has undoubtedly saved many people from getting into even worse debt, and that is welcome, too. I have already commented on the mortgage rescue scheme.

I hope that the Government will come forward soon, having previously announced an intention to act, with measures to deal with the problem of private tenants who unwittingly find that they are in a property that is going to be repossessed, where the lender did not know that a tenancy had been created. The tenants are there in all good faith but have virtually no standing in law at present. That is an important issue on which we need to act.

Finally, I want to emphasise three issues that emerged from the report. First, in our second report, we came back to the asset-backed securities guarantee scheme. Everyone thought that the Government acted with commendable speed to the Crosby review, but unfortunately did not get the answer quite right, because the scheme is not working. John Heron of the Intermediary Mortgage Lenders Association told the Select Committee that although the association was

"impressed with the Asset-backed Guarantee Scheme that was announced and subsequently introduced, it is a great shame that it falls short of its objectives."

He said:

"There is only so much risk that a government-sponsored scheme can reasonably take, and that is the position they are in, but the problem with that is that it is rather like half a leap across a chasm: very impressive but doomed to failure."

The Government are halfway there, but currently the scheme is not working.

I accept that it is a Treasury responsibility to deal with the matter, but I hope that the Minister has been listening and will go straight to knock on the Treasury door to see whether improvement to the scheme can be made quicker. It is crucial that, as well as dealing with the issues of social rented housing on which I have concentrated, we should get some money back into the mortgage market. It is not just a matter of using the retail savings; we need to get the wholesale market moving, and clearly, at present, that is not happening. The concern is not only that the money is not available, but that the rates of interest being charged are starting to rise. Five-year fixed rates have gone up by about two percentage points in the past month, and those were the most attractive rates. In the current circumstances, a high cost on fixed or variable rates is probably a bit worrying for many people, particularly if they fear losing their job or have already lost it, or are on short-time working. Getting that money back into the mortgage market is crucial.

Skills and capacity in the construction industry are relevant. The last thing that we want, after the present collapse in house building, is not to be able to bring it back. That happened in the recession at the end of the 1980s and 1990s. The industry took an awfully long time to come back, because the skills had gone. We may eventually get some skills recycled from the Olympic sites in the south. We probably will not get the same number of people from eastern Europe as we have had, because those economies are starting to improve in the longer term and real wages are growing in the countries in question. We may not be able to rely on Poles and Czechs to come and build, as they were doing before the credit crunch.

We must think about how to retain skills and bring more skills into the industry, as a matter of urgency. It is a question of encouraging young people to go into the schemes in colleges and start training, even though there may not be a job immediately at the end of the line. The Government must think about that. Some young people who went into apprenticeship schemes through the colleges a few months ago are starting to say, "What's the point? There won't be a job when we've finished our time in college." That is a challenge for the Government.

Another challenge for the Government is to consider the future for private rented housing. It has a bad image; there is some pretty awful, squalid stuff out there. The all-party group on urban development did a report that included the issue a few months ago, with the support of the British Property Federation. It recognised in the past that some property developers might like the commercial property model to come into play in housing. In that model, the developers develop the housing, retain ownership and manage it to a high standard, rather than just selling it on to some landlord who would probably not be as interested. The developer would become very concerned about the standard of the property it was building, because it would be managing it in the future.

The ideas are interesting, and the Government must get the financing right to help with them. Currently, the commercial property world is probably as lacking in confidence as the house building world, because it has suffered a major collapse in its values in the past few months. However, I think that it would be an interesting way to provide additional high-quality rented housing for the future—perhaps for different groups of people, who are younger and more socially mobile. That would add badly needed housing to the stock.

I have covered some of the key items in the report, which was well timed, with good suggestions. I welcome what the Government have done so far, but some things that still need to be done have been identified.

3.29 pm

Mr. Nick Raynsford (Greenwich and Woolwich) (Lab): I draw attention to the interest declared in the Register of Members' Interests.

I congratulate my hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey) and her Committee on an admirably thorough, thoughtful and constructive report on a complex subject. I also congratulate my hon. Friend the Minister on his new appointment. He comes into an important post at a challenging time, and I wish him every success.

There is no question but that the state of the housing market and the consequent challenges that it presents is hugely important for all of us. It is the biggest economic challenge that the country has faced for decades, and the downturn, as we all know, has impacted particularly sharply on the housing market. There are implications not just for people who aspire to own their home. Throughout the housing market, people's ability to secure affordable housing, whether to own or to rent, is challenged by the current economic circumstances. Against that background, the Government's response to the challenge has been energetic, comprehensive and imaginative. I contrast that with the experience during the recession of the early 1990s when the then Government took a long time to recognise the scale of the problem affecting the housing market. Their responses, when they came, were fragmented, and some were not very effective.

Grant Shapps (Welwyn Hatfield) (Con): The right hon. Gentleman's knowledge of housing matters is supreme, except in one regard. Does he recall the number of affordable homes that were built in 1992? I seem to remember that the figure was 70,000.

Mr. Raynsford: I am grateful to the hon. Gentleman for raising that, because it is a classic illustration of the then Government's response being fragmented and not entirely effective. After spending a long time wondering how to deal with the problem, they devised something known as the housing market package, which was additional funding for the Housing Corporation to enable housing associations to go out and buy properties on the open market. They did, but the problem was that they bought a lot of poor-quality property, and were subsequently faced with serious problems of managing properties that were not of a sufficient standard, or size in many cases, for social housing needs.

That is exactly one of the lessons from the past that I and others have been pointing out to the Government for the past year and a half. It is helpful during a recession for Government agencies to use resources to acquire empty properties, which should not be left empty when there are housing needs, but the acquisitions must be carefully chosen to ensure that they are of a sufficient size and quality to provide decent homes for the people who will be renting them.

When people buy a home, it may be a loose fit. They may buy a house that is larger than they need. They can choose to have extra space, and if they find that they are a bit cramped, they can move on if they have the resources to do so. When people are allocated a social housing tenancy, they are usually allocated a home with a tight fit that is sufficient for their needs at that time, but not with spare bedrooms. The opportunities to move are often limited. It is important to maintain the quality and attractiveness of the social housing stock and not to make ill-advised acquisitions. That is one reason why I am partly, although not wholly, critical of the then Government's response to the recession in the early 1990s.

Not all the present Government's measures have been wholly successful either, but they have been wide-ranging, and have included measures affecting the mortgage market, people's ability to acquire shared equity products and other means of bridging the gap between the cost of a property and their ability to raise mortgage finance, helping to avoid unnecessary repossessions, assisting in the acquisition and construction of additional homes, and intervention to facilitate the continuation of regeneration schemes that otherwise might not have been viable and would have stalled. I have not mentioned the whole range of measures, but they have been an heroic response to a very serious challenge. I compliment the Government on recognising the scale of the problem and the degree to which they have responded.

The cumulative impact of the range of measures has been important in limiting the scale of the damage, which could have been greater than it has been. During an intervention on my hon. Friend the Member for Milton Keynes, I referred to the Council of Mortgage Lenders' latest forecast of repossessions. Some 60,000 homes are expected to be repossessed this year, and that is not comfortable, but it is still better than the 75,000 that was forecast a few months ago. That is an example of limiting the damage.

Sarah Teather: I am listening to the right hon. Gentleman's speech with interest. Will he acknowledge that the CML said that it downgraded its forecast partly because of the Government's intervention, but also because interest rates are very low, which has prevented some of the repossessions that might otherwise have happened?

Mr. Raynsford: I accept that entirely. Interest rates are down, but the hon. Lady will recall that the CML's previous forecast was issued after interest rates reached the current level, so we are dealing with a static position. Its latest revision downwards is against a background of a similar interest rate position as that which it took into account when making its previous forecast.

Grant Shapps: With the exception of last year, will the right hon. Gentleman remind us of when the CML did not, in the year in question, revise its estimate down?

Mr. Raynsford: I cannot give a detailed response, but I will look at the figures and will happily respond to the hon. Gentleman in writing.

It is important that there has been a downward revision, because many people might have expected the figure to go in the opposite direction. I certainly recall that in those difficult days of the early 1990s the repossession figures escalated upwards, and the trend was extremely worrying and in the wrong direction. What we are seeing now is a serious rise in repossessions—that is a cause for real concern—but the latest projections are slightly lower than previously forecast.

Sarah Teather: Does the right hon. Gentleman recognise that many economists have been saying that although the figures may have come down in the short term, there is a worry that the long fuse of unemployment may result in repossessions later? The former chief economist of HSBC has said that there may be 100,000 repossessions come 2011 or 2012. I am afraid that the story is not over, and it would be unacceptable for us to be complacent.

Mr. Raynsford: The hon. Lady will see from *Hansard* that my remarks showed no complacency whatever. They indicated concern about the problem, but noted

[Mr. Raynsford]

that the latest CML forecast showed a slightly less worrying pattern than previously expected. I believe that that is the result of Government intervention, as well as the impact of relatively favourable interest rates. I accept entirely that that may not continue if interest rates begin to rise, and particularly if a continued rise in unemployment causes people to have difficulty in maintaining their mortgage.

I am not for a moment minimising the problem, but we need a serious, thorough and thoughtful response, rather than simply trying to pick up figures that may make national headlines. To illustrate that, the Nationwide building society recently and sensibly accepted the need to provide mortgage advances of more than 100 per cent. to people in negative equity. If people with negative equity need to move home, they are trapped unless such mortgage facilities are available.

The hon. Lady will recall the torrent of abuse on the Nationwide from various media, implying that it was reverting to the pattern of generous loan-to-value ratios among lenders before the credit crunch. We now want lenders to be more cautious, but we do not want them to be unthinkingly cautious and to swing the pendulum from one extreme to another without recognising the need to be attentive to the requirements of individual households. If those households can afford to meet the repayments, a loan of more than 100 per cent. may be justified. That illustrates my concern that we should have a serious debate about the issues, rather than one that is driven all too often in the media by headline figures and scare stories that do not prompt a full understanding of the complexity of some of the issues.

I want now to talk predominantly about two issues: the availability of credit, and the types of intervention that are most appropriate to help to ease our way through these very difficult times. I have said that banks and mortgage lenders have swung like a pendulum from one extreme to the other in the past two years. From a position in which they were lending money in a way that many people believed was very imprudent, they have now switched off the tap so that many people who could service a mortgage on a new property are finding it impossible to acquire a loan. We have gone from feast to famine very rapidly.

The problem with that is that in too many cases lenders are using the credit crunch as an excuse for restricting the availability of mortgage lending, rather than doing what they should do, which is to examine closely the individual circumstances of the applicant and to judge, on a proper assessment of the applicant and the property, whether the loan is a prudent one to make and, if so, what percentage of the value it is reasonable to offer as a mortgage advance.

I would like to see mortgage lenders moving back to what they used to do, which was to examine closely the individual circumstances and creditworthiness of the people involved and the condition of the property, rather than have the tick-box mentality that has become part of the mortgage lending culture, in which if people satisfy a particular percentage, they get a loan, and if not, they do not. Often the judgement is made with little or no regard to their circumstances. That partly explains why the mortgage lending business got into such a mess: it made many loans without examining the creditworthiness of the people involved. The sub-prime market in the United States was a classic illustration of that, but there were many similar illustrations in the UK and the lenders burnt their fingers badly. Why they have not recognised the need for more thoughtful attention to the individual loan, I do not fully understand. I hope that that issue will be considered more thoroughly.

I am extremely wary of the people who argue that regulatory formulae should be imposed such as a ban on loans of more than a particular per cent., for precisely the reason that I gave in responding to the hon. Member for Brent, East (Sarah Teather). There may be circumstances in which an advance of more than 100 per cent. is justified, even today. A tick-box approach that sets arbitrary figures and requires all lending to fall within that does not satisfy what I believe should be the key criterion, which is a proper assessment of the creditworthiness of the individual and their ability to service a loan on a property that hopefully will provide adequate security. Those are the factors that should be taken into account, and mortgage lenders should be giving more attention to that.

We also need to consider how to assist people who for the moment cannot acquire a loan because the percentage that a lender is willing to offer falls far below their ability to raise a deposit. The range of shared equity models that the Government have promoted and that are offered by housing associations, the Homes and Communities Agency and some house builders have an important role to play. I welcome the attention given to those options, which assist people whose income is sufficient to repay a loan to secure a mortgage advance and to buy a property, rather than being trapped in a position in which they believe that their only option is to look for social rented housing—of course, that increases even further the pressure on individuals looking for social renting.

Grant Shapps: The right hon. Gentleman has been most generous in taking interventions. I hear what he is saying about shared equity schemes. Is he, then, as disturbed as I am to hear that the Government cancelled the most popular of those schemes—Ownhome HomeBuy—just a fortnight ago?

Mr. Raynsford: This is an interesting story, and it is not a new one. That scheme, which enabled people to acquire a property of their choice on the open market, followed in a long line of similar schemes, of which perhaps the most famous historically was known as DIYSO—do it yourself shared ownership. That followed a similar model. The individual identified a property that they wanted to buy and then went to a lender and secured a shared ownership advance on that property. The scheme was popular with the public, but unfortunately it was rather expensive in terms of public subsidy and did not deliver quite the same benefit as a more targeted scheme.

At a time when we are looking to assist developers to begin to develop again, when we want to generate new homes and when we want, as my hon. Friend the Member for Sheffield, Attercliffe (Mr. Betts) rightly highlighted, to ensure that we are sustaining capacity and skills in the construction industry, it may be right for the Government to put the focus on the elements of homebuy that are geared towards supporting new

construction and new building, rather than assisting people to buy properties on the open market. I rather regretted the passing of DIYSO, because it was popular, and I regret the fact that the Government have taken what seems to be a very negative stance on the latest formulation, but I understand the logic in times when finance is inevitably very tight and there is a clear wish to use public resource to best effect.

As my hon. Friend the Member for Milton Keynes, South-West rightly said, the Homes and Communities Agency is playing a vital role in the current situation and, had it not existed, there would undoubtedly be a strong case for creating it. I pay tribute to Sir Bob Kerslake and his team. What they have managed to do in very difficult circumstances is remarkable. The agency was created against a background of expectation that it would drive an expansion programme. When the agency came into existence at the end of last year, it was clearly in a completely different context, in which it had to operate a rescue scheme to assist the housing market to come through the worst crisis that it had faced for many years. Sir Bob Kerslake and his team have responded admirably to the challenge. We are already seeing, in a series of ways, results that are testimony to their effectiveness. I sincerely hope that they can continue to intervene in a range of ways to help individual new schemes to go ahead—sometimes regeneration schemes that would otherwise have stalled. Such interventions allow an increase in the output of social rented and affordable housing, and ensure that the skills base is maintained and capacity retained in various parts of the country where that is necessary. They also ensure that people can afford to obtain housing that otherwise they would not be able to. The HCA plays a vital role.

My concern is about the lukewarm position of the Opposition in relation to the HCA. I hope that the hon. Member for Welwyn Hatfield (Grant Shapps) can amplify his party's position when he responds to these comments, because I recall that when we were members of the Committee that considered the Bill that became the Housing and Regeneration Act 2008, which brought the HCA into effect, there were quite strong voices in his party that questioned whether the agency had any purpose and whether it should come into existence. I am pleased that he has not been adopting a strident line of promising the abolition of the agency, unlike some of his colleagues, who seem to believe that calling for a bonfire of the quangos is a good news story. It may be. It may get a cheap headline, rather like the headlines about mortgage lending of more than 100 per cent., but it may be wrong. In the position that we are in at the moment, an agency that has shown itself to be so competent in addressing the problems and challenges of a very difficult market, that has given confidence in relation to a series of regeneration schemes that otherwise would not have happened, that has assisted with maintaining output of social and affordable housing at a higher level than otherwise would have been possible and that is helping to restore confidence in the market is vital.

During the run-up to a general election, it would be damaging for there to be speculation about the continued existence of the Homes and Communities Agency, were the Conservative party to form the next Government. I hope that the hon. Gentleman will put our minds at rest that that agency, which has played a vital role, will continue to be able to do so, whatever the outcome of the general election.

I would like to say some words about the expansion of affordable and social housing. That expansion is essential and has been called for on many sides. We all recognise the need not only to deal with the large backlog of people in need, but to ensure that we sustain capacity and support a recovery faster than would occur otherwise. I am concerned to ensure that we do not lurch back into what I believe was one of the most pernicious characteristics of housing in the last century—the social segregation of people according to tenure.

The pattern of building single-tenure estates, with social housing uniquely for social tenants in one area, and owner-occupied homes uniquely for home buyers in another, has not served us well and is an historical anomaly. Traditionally, it was not the case that people of different economic circumstances lived in entirely segregated areas. Of course, richer people lived in larger, pleasanter and more attractive homes or, in some medieval towns I can think of, in the larger and more attractive rooms of a house that was also occupied by poorer people. That was the pattern historically. People of different economic circumstances did not have to live geographically segregated from each other.

One of the great Housing Ministers in the history of this country, and one of the great figures of the party that I am proud to be a member of—Aneurin Bevan—made a famous speech on the subject in the 1940s, and talked about his dream of seeing a community where the doctor, the greengrocer, the artisan and the baker all lived in the same street and were not segregated. We must retain that vision of social cohesion and communities that are not segregated by tenure.

Earlier this week, I was pleased to be present at the launch of a new Fabian pamphlet, "In the mix", which strongly endorses the case for sustaining mixed-tenure housing and building mixed communities.

Emily Thornberry: I agree with my right hon. Friend. My only concern is that sometimes his remarks might be misunderstood, and it could be thought that the two of us are at opposite purposes. I entirely agree that we need to have mixed communities. Within a constituency such as mine, there are streets containing people from all sorts of backgrounds, and small estates next door to the Lord Chancellor's residence. We are a very mixed community, but we do not have enough social rented housing.

Mr. Raynsford: As my hon. Friend will recall, I stressed the importance of increasing the output of social rented housing and other affordable housing. My comments are about the importance of ensuring that we do not lurch back into the pattern of mono-tenure estates. There are some pretty nasty examples of those—I think of the Ferrier estate in my own constituency that is currently being demolished. The last thing we want to do is spend money producing housing that is so unsatisfactory that it has to be pulled down 30 or 40 years after it was built. Instead, we should produce environments where people will be happy to live for centuries, because they are built to a high standard and achieve the level of social integration that I and my hon. Friend feel is essential.

Sarah Teather: This issue is often characterised by saying that we can achieve a sustainable mix by having homes for ownership, and affordable social houses for

[Sarah Teather]

rent next door to one another, or within the same estate. However, we could also have lots of different types of housing for rent. I wish that we could think more flexibly about that, especially at a time when it is difficult to get mortgages for shared equity properties, for example, or even to sell at market value.

Mr. Raynsford: The hon. Lady makes a good point. Diversity does not stop at outright ownership, shared ownership and social rented housing. Of course we want a wider mix of options. Some of the good options now being looked at include the "rent now, buy later" scheme, which would help people who are not currently able to raise mortgage finance, but who probably will be able to afford to buy in due course and are therefore given an option to rent in the short term. I wholly endorse the comments from hon. Members on both sides of the Chamber about the merits of looking for ways to attract more institutional investment into the private rented sector, so as to provide more good-quality private rented housing.

Diversity of tenure is absolutely crucial. Economically, it is a good safeguard against the kind of problems that we have seen over the past two years. Where there is diversity of tenure, there are options for people to move between tenure if they are in difficulty. It should not be only a one-way process of people moving from a rented tenure into owner-occupation. There are many circumstances where people in owner-occupation might find it easier to move into rented accommodation. That could be to remove the burden of meeting mortgage obligations that they find difficult to satisfy, or because they do not want to continue with the obligations of maintaining the property if they are getting elderly and require support and help. A more diverse tenure pattern is admirable, and something that we should work for.

Emily Thornberry: What my right hon. Friend says is thought provoking. Would he be equally critical of private developments, particularly gated private developments, where there is no mixture of tenure at all?

Mr. Raynsford: Of course. That is the obverse side of the coin and is a consequence of what I believe was a terrible mistake made during the last century—that of segregating households between tenure. The obverse of the sink estate, which is stigmatised because it is seen as solely housing poor people in unsatisfactory accommodation, is the "exclusive" gated community of exclusively wealthy people who have said, "We don't want anyone else anywhere near us, and we are putting a barrier around our homes to keep other people out." That is why the policy is so wrong. It results in social exclusion and social segregation rather than the kind of inclusive and more coherent society that I believe we should promote. We must not, even in difficult times, forget the longer-term objective, which is the creation of a housing market that satisfies the full range of needs with a choice of options and tenures, and a strong commitment to quality.

In the past, when the focus was on housing numbers—there are some indications that in recent years that has again become a focus—there was a risk that quality was forgotten. When we produced large numbers of houses, they were not always of good quality, and I have referred to some poor-quality social housing estates that have had to be demolished. Equally unsatisfactory were the unsustainable private estates that were built to low densities with poor energy efficiency standards. They now contribute seriously towards the problem of global warming, but that would take me into another subject that does not form part of this debate.

I will conclude my remarks by congratulating the Government on the steps that have been taken to date. We are not anywhere near being out of the woods; we still face huge problems and, during the years ahead, we must sustain the kind of commitment that there has already been. I hope that the Opposition will also show a commitment to sustaining and keeping in place agencies such as the Homes and Communities Agency, which can help to ensure that this country continues to respond to the huge challenges in the housing market.

3.59 pm

Sarah Teather (Brent, East) (LD): The report is most useful, and I congratulate the Select Committee on a timely and interesting contribution to the debate.

The Committee made a number of recommendations and conclusions, most particularly on the need to continue building social housing and affordable housing to rent, a point made by the hon. Members for Islington, South and Finsbury (Emily Thornberry) and for Sheffield, Attercliffe (Mr. Betts). I agree with the recommendation that it is more sensible for the Government to focus on affordable housing for rent rather than on low-cost home ownership models, because of the difficulties of selling caused by the unavailability of mortgage finance.

The right hon. Member for Greenwich and Woolwich (Mr. Raynsford) spoke of the need for sustainable communities and how they could be achieved. In a sense, we have an ideal opportunity to do that, given the Government's policy of dealing with housing developments being started but not completed, and the money being provided to the Homes and Communities Agency to invest in private development. We have an opportunity to drive that model forward. I hope that the Government will think seriously about mixing different types of rented tenure. It does not necessarily have to be a long-term solution.

The hon. Member for Sheffield, Attercliffe, who is no longer in his place, asked whether we could encourage developers to continue owning properties and renting them, and whether they would then take a particular interest in the quality of their developments. If the taxpayer is to invest in property, we have an opportunity to ensure a mix of tenure, with affordable housing to rent, and intermediate and private rent. We should not focus on the model of home ownership, part or wholly owned, and affordable housing for rent as being the only option for mixed tenure. It is not. We need to progress that model quickly, particularly as the taxpayer is about to invest in certain developments.

Emily Thornberry: Will the hon. Lady join me in condemning Boris Johnson for changing the mix of affordable housing in London from a 70:30 split—70 for social-rented housing and 30 for intermediate ownership—to 60:40? If she joins me in that, will she

join me also in condemning Islington Liberal Democrats, who in their planning strategy consultation favour a 50:50 split?

Sarah Teather: We all want to ensure that housing is built, and that we have as much affordable housing as possible, but the means of achieving it is a matter for debate. The Government's insistence on particular targets for various local authorities does not seem to have worked. They have been unable to deliver. Whether we will be able to deliver more through negotiation I do not know. I like to think that negotiation and consensus are a better way of delivering more housing, but we shall have to see what happens. As the hon. Lady would expect, however, I do not join her in condemning Islington Liberal Democrats. Indeed, she was most unwise to invite me to do so—but it was a nice try. I was trying to make a serious point. I attend many housing debates in Westminster Hall, and they are usually more thoughtful. Sadly, however, a lot of straw men were built this afternoon and then knocked down.

The Committee's report helpfully focused on the need to maintain skills in the building and construction industry. If we lose those skills, it may take a decade to regain them, but there is a desperate need to continue building. I accept that there are problems with continuing to build as a result of the unavailability of private finance and so on, but if those skills are lost in the long term it will create a massive bubble in house price inflation. That will have a knock-on effect for a decade or more. Unless we focus on maintaining the industry's capacity, we shall regret it for a long time.

I realise that the Government have brought forward finance for the HCA and that the agency has been trying to be more flexible in working with housing associations, which have struggled to continue building with the cross-subsidy model. That finance has taken time to filter through, however, and housing associations are still concerned about Treasury targets on subsidy per unit. Even if the finance is brought forward now, they may find a hole later and be unable to achieve the Government's targets.

The most obvious thing that the Government could have done earlier—it would have made a significant difference—was to give councils the power to build. Unfortunately, the House rises next week, and the Government will not produce their consultation on the housing revenue account until Thursday 23 July. Giving councils the power to build would have made more difference than anything else that the Government could have done, and it is frustrating that it has taken them so long.

If councils are to build more property, they will need access to HCA grants; they will also need to be certain of their revenue stream, their rental income and their asset base. I do not know what will be in that consultation document, or what mechanism the Government propose in order to deal with the question of negative and positive subsidy. However, there is no legislation in place to enact it in the short term, so I see no prospect of it being introduced in this Session.

Dr. Starkey: Perhaps I can help the hon. Lady on that last point. The Committee took evidence from the Minister for Housing this Monday on proposals for the HRA. Obviously, he was not totally explicit, as that would have anticipated the statement, but if local authorities are agreeable to the proposals once the consultation is completed, they could go ahead without the need for primary legislation. I understood from the Minister that primary legislation would be required if not all local authorities agreed to the scheme.

I hope that Members of all political parties could put it strongly to council leaders that although the outcome may not be precisely what they would wish and may not be quite as advantageous to their councils as they might, in the best possible circumstances, have wished, there is an opportunity for compromise. If the Local Government Association were able to get all its members to agree, the changes could go ahead without the need for primary legislation, to the benefit of the generality of councils even if one or two had to bite a slightly bitter bullet and take slightly less than they hoped for.

Sarah Teather: Unfortunately, the Minister left part way through the suggestion made by the Chair of the Select Committee, so we will not know—

Joan Walley (in the Chair): Order. The Minister left with my approval.

Sarah Teather: The hon. Lady's intervention was helpful. I hope that the Government will bring forward proposals that are agreeable to all councils. The devil will be in the detail. My council, like many London councils, is in receipt of subsidy; the question is what will happen to it. We have argued that that subsidy should be paid out of general taxation. It is untenable for poor council tenants in areas such as Cambridge or Kingston, who pay a lot into the system, to have to subsidise repairs for tenants in my area. It should be paid out of general taxation—by those who can afford to do so.

I do not know what model the Government will use. Authorities such as mine will be in a difficult position if they lose money and later find themselves unable to borrow in order to build. The Government's approach matters. We have been arguing the point for 10 or 15 years, but if they require local authorities to buy themselves out of negative subsidy, something that they have considered previously, it will be a disaster for authorities such as Cambridge. If they do not top up subsidy for authorities such as Brent, that, too, will be a disaster. We shall have to wait to discover what model they propose, but I would not want to push all authorities to agree to something that might be highly detrimental to their tenants. I hope that the Government bring forward something that is useful.

I feel a little frustrated that the Government are publishing the consultation document on 23 July, as the House rises the day before. I presume that the consultation will run throughout the recess, so there will be no opportunity to debate it in Parliament. If the consultation proposes something that is not helpful to local authority local residents, we will not be able to raise the matter with the Minister in Parliament until October. By then, I dare say that the Department for Communities and Local Government will have closed the consultation. That would be deeply regrettable.

Had the Government dealt with the issue 10 years ago—or even three or four years ago—or brought forward the consultation, local authorities may have been in a

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position to push forward with building and to be at the forefront of the fiscal stimulus that the Government were hoping to introduce. Although I said that the Government have brought forward money, there are other things that they should have done. Instead of making a VAT cut, they should have invested the money in building housing. However, not all the money that has been allocated for the VAT cut has been spent, so the Government could still reverse the decision and build 10,000 to 20,000 more homes, which would make a considerable difference, and help to keep the building industry alive.

If the Government are going to cut VAT, they should cut VAT on renovation and rebuild. That would significantly help to keep skills in the construction industry and ensure that building work continues. Moreover, it would help us to deal with the issue of empty properties, which was touched on in the report when it dealt with areas of unsold properties. That problem is one of the consequences of the recession. We will see a heavy rise in the number of empty properties. Dealing with such properties will be made much easier if we were to reduce the VAT level on renovation and rebuild.

I hope that the Minister will focus on the issue of empty properties when he makes his reply. I am hoping that his civil servants are taking note of some of the things that I am saying, or that someone will read my comments in *Hansard*. Half of the hon. Members who have contributed to the debate seem to have left the Chamber during my speech. That is the normal situation that Liberal Democrats face when they speak in debates. None the less, it is not particularly courteous.

As I said, I think that we will see a considerable rise in the number of empty properties. I should like to hear what the Government will do with major regeneration projects, which was an issue touched on in the report. We have a major new deal project in my own constituency. I met teams from pathfinders projects this week. If there are problems with private finance and cross-subsidy, such projects tend to stall for a period of time. That will cause difficulties, especially if there has been stock transfer or people moving out of an area. We will see whole streets or estates being emptied for an extensive period of time—much longer than was anticipated during the regeneration project.

I should like the Government to encourage local authorities, pathfinders and new deal projects to make better use of short-life housing. Perhaps they need to provide incentives in the form of grants and loans. They could work with local co-operative organisations and even private companies. Whatever they do, they must ensure that housing is not lying empty because that will reduce confidence in an area. We must boost the sense that something is happening in such areas. The psychological impact of regeneration is often as important as the building projects. Moreover, such properties will provide short-term housing for many people who are in dire need. I am glad to see that the Minister has reappeared. I am sure that he is now listening attentively to my contribution.

A number of hon. Members focused on the issue of repossessions. Earlier, I said that it was frustrating that so many straw men had been built and knocked down during the debate. When I challenged the right hon. Member for Greenwich and Woolwich on the issue of long-term projections for repossessions, he responded by saying that there was an issue around mortgages and mortgage finance. However, I did not criticise that particular building society for offering more than 100 per cent. mortgages to people in specific circumstances who want to move.

My hon. Friend the Member for Twickenham (Dr. Cable) raised the issue in a debate here at the end of June. We often focus on the short term, with the consequent danger that we forestall repossessions. At some point, interest rates will almost certainly rise. People in negative equity have found themselves unable to move their mortgage. It is not necessarily about moving house; they may be unable to get another fixed deal. Lots of people who are over-mortgaged have been accustomed to moving their mortgage every three or four years to another fixed deal. That may not be a healthy situation, but it is how an awful lot of young people on a mid-range salary cope with buying a property. They will find that they are unable to move. When interest rates rise, some of them will inevitably fall into arrears.

There may be a time lag with unemployment, which is what we almost always see in recessions. Unemployment figures tend to lag behind what is happening with the economy, so even when the economy starts to pick up, redundancies will continue for six, nine or even 12 months down the line. Many of those people will fall into arrears and some will lose their homes. I do not mention the figure of 100,000 to try to create scare stories. I just want the Government to think in the long term about how we are going to plan for the future of those people. Not all of the mechanisms that have been introduced will help them in the long term.

Mr. Raynsford: Does the hon. Lady accept that had the Government not intervened in the way in which they have done to try to reduce the incidence of repossessions and to restore some confidence to the mortgage market, it might well be that the kind of figures that she is talking about will already have happened, and we would be talking not about scare stories but about human casualties? If that is the case, will she give some credit to the Government for acting in a way that has helped to limit the extent of the problem?

Sarah Teather: The right hon. Gentleman has not been in quite as many housing debates in this place as I have in the past three or four months.

Mr. Raynsford: That is not true.

Sarah Teather: The right hon. Gentleman has in the past 10 or 15 years, but not in the past three months. If he had been in any of the debates in which I have spoken, he would have heard me give credit to the Government for making significant advances, particularly on income support for mortgage interest, which I have welcomed regularly and which have helped many people. My point is not to say that the Government have done nothing. My point is that they must think long term. I have not criticised them for everything that they have done, and I am trying to make a constructive contribution to the debate, which, so far, has involved an enormous number of straw men being knocked down. The right hon. Gentleman need not knock down another straw

man now. I have welcomed the contributions to ISMI. What I have also said is that some of the Government's policies have been very tightly drawn, which has meant that a lot of people have fallen through the net. That is why I have consistently argued for mortgage law reform.

The report picked up a point about the pre-action protocol and said that the Select Committee was concerned that it lacked teeth. I have consistently pushed the Government on the issue of mortgage law reform, and I hope that the Minister will consider the issue favourably.

The hon. Member for Sheffield, Attercliffe spoke about the difficulties that tenants find themselves in. The Committee Chair, the hon. Member for Milton Keynes, South-West (Dr. Starkey), also spoke about the issue. I know that the Ministry of Justice is considering the matter at the moment. I argued in the previous debate that we had in Westminster Hall with this Minister that I hoped that mortgage law reform could be used to give courts the power to intervene. Guidance could then be issued. We would not necessarily need primary legislation to enforce a longer notice period for tenants who find themselves in difficulty because their landlord has got into arrears on their mortgage.

I hope that the Government will look on that favourably and take action soon, because we are about to go into recess. Although the Ministry of Justice is looking at the matter, we do not have any time scale on when such a measure will be brought in. Which law are the Government hoping to amend? Will it happen through secondary or primary legislation? Will that be in the next Queen's Speech? How long will it take, because enormous numbers of people will find themselves in difficulty and may fall through the net?

Finally, I want to pick up on a matter that was in the report and that I asked the Minister about in our previous debate. He said then that he did not know the answer, so I hope that his civil servants have briefed him ahead of this debate. I am talking about sale and rent back. The Government have consistently said that they want the OFT to regulate that area. However, I am still seeing notices on lamp posts across London saying, "We can buy your house and you can rent it back. We can get you out of difficulty if you are in debt." Given that the mortgage rescue scheme is predicted to rescue only 6,000 people, there will be many who get themselves into arrears, take part in those schemes and lose their homes some 12 months later. When will the Government regulate that kind of sale-and-rentback scheme? The Committee said that the matter was urgent in February when the report was published and the Government have been promising such regulation for several years, so I hope that the Minister answers that question.

4.20 pm

Grant Shapps (Welwyn Hatfield) (Con): I congratulate the hon. Member for Milton Keynes, South-West (Dr. Starkey), the Chairman of the Committee, on two excellent reports, particularly the first report. The second report is a very good update—it is bang up to date—on the situation and includes information about the Government's most recent "Building Britain's Future" announcements. They provide a good basis for the debate.

I welcome the new junior Housing Minister to his place. This is the first full debate that we have had as opposing Front-Benchers. Previous Housing Ministers have not had the longest tenure. I have worked out that the four Housing Ministers whom I have faced across the Dispatch Box were in place for an average of 211 days. It is slightly better news for the Minister: he is only the second junior Housing Minister whom I have faced. Junior Housing Ministers usually last slightly longer than Housing Ministers on average, but with an impending general election, time will tell.

Given the Minister's short period in office, he will still be struggling—excellent though he will turn out to be—to get his head around some of the key housing figures, and of course it can take a long time to comprehend the housing lexicon, so I thought of a few basic facts to lay out some of the background to these excellent reports. Not all those facts are referred to in the reports, so perhaps there have been one or two omissions.

The first key figure for the Minister is that far too few homes have been built in the past 12 years—that is the underlying cause of everything that is written about in the reports. How many too few? The answer is about 24,000 a year—missing homes that were never built under this Government, by contrast to the trend of the previous couple of decades. That has left a huge hole in housing in this country. Simple maths tells us that that is one reason why we are in the current mess. However, that is not the only problem.

Most of the debate has focused on affordable housing for rent, purchase or part-purchase. The bad news of the overall house-building statistics gets even worse when it comes to affordable housing numbers. Less affordable housing has been built in every single year of this Government than in any of the years under the Governments of Margaret Thatcher and John Major. That is a rather damning indictment of a Government who I am sure would like to be thought of as being on people's sides and assisting with things such as housing for those most in need.

This year, it is likely that 70,000 to 90,000 houses will be built in total, which is fewer than half the Government target of 200,000, which is supposed to increase rapidly to 240,000. We are in a mess. The single greatest lesson that the new junior Housing Minister could learn from the two reports and the current housing situation is that those top-down targets simply do not work. In fact, not only do they not work; they probably make the situation slightly worse. Regrettably, he will not find that conclusion in the reports.

I am afraid that the Committee has in many ways fallen for the Government's warm words on housing, which they deliver all the time. The Government have always been very polite about housing. They never told anybody that they were going to get fewer homes of all types built in this country, including affordable housing—it has just happened over a number of years. It is almost as though, as long as the Government come out with new and supposedly ambitious or challenging targets—as they are variously described—everyone, including, I am afraid, members of the Committee, will buy the argument and congratulate them on having so much aspiration.

The truth is that aspirations, targets and challenges do not build homes, and nor do headlines. All too often, the problem with the Government's housing policy has been that they chase headlines. There were supposed to

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be 10 eco-towns—five by 2016 and the other five by 2020—yet today, it was announced that there will be only four and they will probably take till 2020. By the way, the houses will not be as environmentally friendly as the zero-carbon homes that we will be building by 2016. The houses in the eco-towns, which is a sham name, will only be at sustainability level 4—I am sure the Minister has already discovered that level 6 is the zero-carbon level. We have an incredible situation in which the rhetoric is so far distant from the reality that even Labour Back Benchers and those who are most experienced in housing dare not challenge the raw facts of a failed, top-down housing policy.

I do not believe that the Government want this situation or that they lack the compassion to change things, and it is not for the lack of warm words about new headline-grabbing schemes and initiatives that we are in this situation. It is worth reflecting on some of the schemes mentioned in the reports, even if there is not the forensic detail that one would like. To be fair to the Committee, such detail would be impossible to provide, simply because the numbers change daily, although not by much.

Mr. Betts: In the hon. Gentleman's comments so far, we have been given a very general picture. He has said that the Opposition are in favour of more social housing and that we cannot have a top-down approach, but I have not heard him say how, if there are going to be spending cuts under a future Conservative Government and if health and education spending will be completely protected, funds will be available to build the social rented housing for which he is arguing.

Grant Shapps: If the hon. Gentleman would be so gracious, I shall come to that. I am on only the first page of my four pages of notes, and the last page describes precisely what we will do to get more from less, as he describes it.

Emily Thornberry: Is not one of the problems of building new housing that people do not seem to want new housing schemes near them? An awful lot of that involves Conservative councils that do not give planning permission for housing schemes. If, for example, 250 Islington families wanted to move into the hon. Gentleman's constituency, would planning permission for social rented housing be given?

Grant Shapps: The Government are obsessed with the idea that they have failed miserably after 12 years to build enough social houses because of someone else, but they are misleading themselves. To answer the hon. Lady directly, I believe that local communities will accept much more housing, and much more affordable housing, if there is something in it for them. She asked how my constituents would feel. As I have said on many similar occasions, my constituents cannot be told to accept 10,000 or 15,000 new homes—that is specified by regional spatial strategy for the eastern region—when their local hospital is being closed. The two things are simply incompatible. Until the Government try to join those things up, they will never succeed in building new homes. In fact, I am confident that a future Conservative Government will build far more than, say, 250 affordable homes in my constituency, but we will do it with people rather than against them.

Some Government schemes are outlined in the report, which is welcome, even if detail on performance is lacking. We have heard the enthusiasm of the right hon. Member for Greenwich and Woolwich (Mr. Raynsford) for the rent-to-homebuy scheme, whereby a person can rent a home and, over a period, buy the house if they want to. Although the scheme undoubtedly sounds like an excellent idea and a good way to help people gradually on to the housing ladder, he did not mention—perhaps he does not have the figures to hand, but I was given the information in a parliamentary answer just the other week—that £87 million has been spent on the scheme in more than a year, but not a single person has moved into home ownership. The rent-to-homebuy scheme is not a spectacular success so far, at an average cost of £33,000.

Mr. Raynsford: The hon. Gentleman seems surprised that a scheme that is designed to help people through a period when mortgage finance is very difficult to obtain should not have led people immediately into home ownership. Is not the whole purpose of the scheme precisely to enable people to rent now and buy at some future date when circumstances are easier?

Grant Shapps: For £87 million, I am not surprised that not every single person who took up the scheme has ended up buying, but I am surprised that not a single family has been able to buy. Incidentally, the scheme costs £33,000 on average and has not helped a single person into their own home, whereas the homebuy direct scheme costs only £24,000 and has proved at least slightly more successful. The problem is that the rent-to-homebuy scheme is costing a lot of money but is not working.

What about social homebuy, the great scheme launched in a fanfare to help 5,000 families a year? The Minister should know that so far, it should have assisted 15,000 families already in social affordable rented housing to buy their own homes. Will he include the up-to-date number in his response? When I last asked, not 15,000 families but just six had been helped to purchase their own home in all that time. I would be grateful if he gave us an update on social homebuy and how it is failing.

What about homebuy direct? The £480 million programme was designed to help a lot of people, but at the last asking, only 200 families had benefited from it, although I should add that only a fraction of the money has been spent. Off the top of my head, I think that the figure is £4.7 million. The scheme is not working in any direction. It brought a lot of hope to a lot of people, but it does not seem to be going anywhere.

The Select Committee report welcomed not just the schemes to help people buy their own homes but the schemes to help keep them in their own homes, such as mortgage protection schemes, two of the most notable of which are similarly named. The Minister will be struggling to get his head around all the acronyms, so I shall touch on them both briefly.

Under the mortgage rescue scheme, as the Minister will immediately recognise, a registered social landlord can purchase all or part of somebody's home to help them out of trouble. It was launched in January this

year and is designed to help 6,000 families over two years. When I last asked, not 6,000 families or anything close to it but six families had been helped. Can he give me an update on the number of families assisted by the mortgage rescue scheme?

Dr. Starkey: I ask the hon. Gentleman to reconsider the wording. It is my understanding that the mortgage rescue scheme was originally designed on the basis that probably about 6,000 families would fit its eligibility criteria and that the money was therefore set aside accordingly. That is a slightly more accurate description than suggesting that the scheme has failed if it does not reach 6,000 people. As I pointed out, we do not have the data to know whether 6,000 people met the eligibility requirement, were in danger of repossession and therefore needed the money.

Grant Shapps: I certainly understand the point that the hon. Lady makes, and I know that the evidence gathered by the Select Committee will have been considered thoughtfully.

As we are debating the reports and the Government's response to the first one, let me give my criticism. Why was the Select Committee not slightly more forensic in its questioning about the outcomes and success of the schemes? Although the hon. Lady may well be right to suggest that not all 6,000 people would ever be helped, it is still certainly the case that a Minister stood at the Dispatch Box—I remember it well; it happened in January—to announce the scheme in a headline-grabbing manner that made the 10 o'clock news and sounded as though thousands of people were about to get great help from the Government. As the reality six months later is that only six families have been helped, it does no Government—and no newly appointed Minister—any harm to step up to the Dispatch Box and admit the reality: perhaps the scheme, along with the others that I have outlined, is not functioning as it was initially designed to.

If we are not happy with how the mortgage rescue scheme is operating, what about the home owner mortgage support scheme? It was first announced by the Prime Minister on the same day as the Queen's Speech and is designed to allow home owners to defer their mortgage interest for up to two years. When the Prime Minister usurped the Queen's Speech to make that surprising announcement in the debate immediately afterwards, he suggested that it would cover some 70 per cent. of the mortgage market. The scheme was not launched in the spring; it was April before it came into operation, at which point, depending how one calculates—by volume, money or number of mortgage lenders—only 25 to 55 per cent. of the marketplace was covered.

Before today's debate, I looked the issue up. As I understand it, a vast number of household-name lenders are not within the Government's home owner mortgage support scheme: HSBC, Barclays, Abbey, Alliance and Leicester and Nationwide. None of them are included. The Government promised, "Don't worry. Others will come down the line." They said that another six were at the tipping point and about to sign up. I checked again today, and only two have come on board since.

I do not have time to go into the further schemes intended both to assist people into housing and to help them once they are there, but many of them have been nowhere near successful or are abject failures. It is about time that somebody from the Government stood up and explained why they think that the schemes have gone wrong and whether they were motivated by the prospect of catching great headlines on the day, in the hope that no one would notice when hard-pressed families were not helped in the long term.

Interventions in this debate have focused on what Her Majesty's Opposition would do if we were in government, so I will reflect on one or two ideas that should be in the report but do not seem to be covered. The biggest is simply to stop thinking in terms of top-down targets and telling people what to do, where and how many, and to focus instead on a system of incentives that would allow communities to make some of their own decisions in return for money.

Under a policy launched by us, that money would be provided through council tax. Specifically, every local area could keep 100 per cent. of council tax—in fact, they would get 100 per cent. on top of that—for a period of six years. Let us say that an eco-town, such as the one in north-west Bicester, got the go-ahead and was locally approved and all the rest of it. Over a period of six years, based on the likely outcome of the average council tax, the town would get £45 million to £50 million for the local area. That would be a huge incentive for local communities to develop and get something in return.

We would also ensure that more affordable housing would be built—a subject that is of interest to many Members here today—by ensuring that local areas got 125 per cent. of council tax to keep, a larger proportion than is being paid by residents, for every home built. That would create an inbuilt incentive to build more affordable housing without the need for top-down targets, which—let us face it—have failed, whatever one thinks of them.

Other hon. Members have mentioned community land trusts, which were not covered in great detail in the report but are agreed by all parties to be an exceptional idea. They were added to the Housing and Regeneration Bill in 2008 after much pushing, having been voted down by the Government several times and eventually agreed on at the last moment. They provide a framework for communities to get together and build long-term sustainable housing, as the land is locked in perpetuity for the use of local people. It is a tremendous idea.

I invite the Minister to take on board local housing trusts, an idea from our recent housing Green Paper; he can rename them whatever he likes. They take the concept of the community land trust, which many of us like so much, and provide communities with the ability to grant themselves planning permission to go ahead with building, without having to go through any rigmarole at all, apart from holding a referendum of local people to ensure that that is overwhelmingly desired.

Incentives, community land trusts and local housing trusts are all things that the Minister could take on board. He could also pick up and use our empty property rescue scheme. Nearly 1 million properties in this country are empty and could be used rapidly. We have described how, with a bit of flexibility in some of the rules and regulations, they could be used to house people today.

It is simply not good enough that, after 12 years, the number of people languishing on the housing waiting list has gone up not by just a little, but by 80 per cent.—from

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1 million to 1.8 million. It is not acceptable to sit by while families are living in temporary accommodation because they cannot move into empty properties on the flimsy excuse that they do not meet up to a particular code.

Some people are not in accommodation at all. Last night, I met a man who was begging through the carriages of the train I was on. He said to everybody, "Excuse me, I am sorry to bother you, but I have fallen on hard times." The woman across from me gave him some money. I gave him the number for Thames Reach, because hostel places are generally available if people want them. The Government have put a great deal of emphasis on their homelessness strategy. Unfortunately, that strategy has not been as honest as it should be. Bizarrely and incredibly, the homelessness count claims that just 483 people sleep on the streets in this country. That is not true; everyone knows that it is not true, and everyone recognises that there is a problem with the way in which the figures are counted. One big problem is that the returns from local authorities are bracketed down when they have been estimated.

The Minister's predecessor promised to address that issue and carried out a consultation on it. Unfortunately, rather than solve the problem, the consultation said that authorities that did not carry out street counts should not be asked to return figures at all. Therefore, for a local authority that estimated that there were five rough sleepers in its return and had that bracketed down to zero by the Department, the figure will still be zero because such authorities will not be asked to return any numbers. Will the Minister address this issue again? I understand that by keeping the rough sleeper count the same, there will be a baseline to indicate what is happening. However, with the attempt to get to zero rough sleepers by 2012, it is surely important to count the numbers accurately, so that we can understand the situation and focus resources. If he does not do that before we come to power, we have a pledge to do so.

Mr. Betts: I was waiting in expectation for a commitment to fund social housing. Apart from the incentive for local communities, I did not hear one. Is there a commitment on the number of social houses that will be funded? Despite the hon. Gentleman's lack of love for top-down targets, a future Government would presumably have a target. What will happen if these bottom-up local initiatives do not produce the number of houses that are needed by people in this country?

Grant Shapps: You have got to love those targets. The simple fact is that targets have not worked, so what is the point of putting more targets in place? There is almost an obsession with targets. I know that they are comforting and that people feel better when there is a target, but it is cruel to have a target that is not delivered because it disappoints people. For example, twice as many homeless children live in temporary accommodation in this country than 10 years ago, despite the targets to do away with homelessness and child poverty. Such targets are not helping. To answer the hon. Gentleman's question, if we find that not enough housing is being built, including affordable housing, we will increase the incentives. We will not increase the target even though it is not being delivered.

Emily Thornberry: Perhaps the hon. Gentleman will look at the issue differently. If the sky was to fall in and there was a Government of a different colour next year, how would he measure his success? How many families would be housed in social rented housing after four years of a Conservative Government? We would like to know what Conservative aspirations are, so that families on the waiting list for social rented housing have some idea of what is on offer from an alternative Government.

Grant Shapps: I can answer that directly and simply: the measure will be whether we have built more homes. If we do, we will reduce the housing waiting list. That simple measure is far more meaningful than targets, initiatives and programmes. If hon. Members are not satisfied that the programmes are not working, I can run through a list of more that are not helping people but are raising expectations. That is a cruel way to run housing policy; it is not doing any good, and we can do far better. The hon. Lady will know whether a future Conservative Government have been more successful because we will have built more homes and reduced the housing waiting list—two things that were achieved under previous Conservative Governments.

Dr. Starkey: I agree with the hon. Gentleman that targets by themselves are pointless. However, in delivering the targets, the measures and priorities of the Government are focused. That must happen as well as just having the targets.

I want the hon. Gentleman to focus his mind on the topic of the debate: housing and the credit crunch. Will he explain how giving incentives to local authorities to permit developers to develop on their land would help in the current situation? We are in a credit crunch, which means that developers are not building even though they have planning permission. Will he bend his mind to that problem?

Grant Shapps: I have spent most of my time speaking about the schemes that are outlined in the Select Committee report. As I said, I do not think that the analysis is of sufficient detail to demonstrate that the outcomes of the schemes have met the intentions behind them.

I do not believe that targets are of any benefit on a national level, although local authorities will know what they plan to achieve through their local development frameworks. Such aims are more realistic because they are at a local level. Incentives would make such things more likely to happen. Our measure will be much simpler than targets. It will be whether we have built more houses and housed more people, particularly from the social housing waiting list, which is at an all-time high.

I can create policy only for after the election, not for today. We will have to assess the situation nearer the time. Eventually, the economy will come out of its current hole. I hope that we do not return to the days of housing boom and bust, which we were assured we had moved away from even as house prices doubled in a mere seven years. We will deal with that through more intelligent regulation of the financial markets, which is covered in the background to the reports.

We had the Barker reviews of 2004 and 2006 and the policy of 3 million homes by 2020 because everybody bought the argument that there were too few homes.

Everybody knew that because house prices were doubling in just seven years. Although it seems obvious now, everybody did not know that one reason for that was the over-supply of lax mortgages. The ease with which people could get mortgages and the competitiveness in lending caused house prices to shoot up even faster than would have been the case purely because of supply and demand in the housing stock. That was quite different from previous housing booms and busts.

We must learn that lesson and change the regulatory framework right at the top. As we have said this week, that means putting the Bank of England back in charge of some of this regulation. The tripartite system that was put in place in 1997 has clearly failed and let us down, principally because nobody really know who was in control. There is a bigger macro picture that hon. Members would not thank me for going into in more detail.

I will return to the report and to the proposals that the Minister could adopt right now. I have mentioned the rough sleeper count and the empty properties programme. Hon. Members have mentioned the problem of renters who find out that the buy-to-let property in which they live will be repossessed in a short period of time. The Government have done a little on that by extending the period of time during which the renter should be told that the property in which they live may be repossessed, but a series of other steps could be taken. I shall not go into them now, for the sake of brevity, but we have published them and I will happily send them to the Minister, as that set of proposals is another that he could adopt immediately.

Finally, there is another area to discuss, which the reports do not address as much as they should and which has not been mentioned in the debate—the lack of mobility in affordable housing. That is at the crux of this matter when it comes to the recession, the credit crunch and the lack of social and affordable housing.

Mr. Raynsford: I have been waiting patiently to hear the hon. Gentleman's observations on the Homes and Communities Agency. I heard him say "finally", and assumed that he was moving towards his conclusion, but I hope that he will address his party's policy on the agency and its future.

Grant Shapps: For the sake of completeness on policies that the new Minister could adopt quickly, I shall discuss those policies in a moment. First, let me say that mobility is crucial and that I hope the Select Committee will get the chance to look into that issue. There is no doubt, according to research that we carried out the week before last, that one reason why there is such a great waiting list for housing is that nearly 250,000 people live alone in three and four-bedroomed homes. So, we have the wrong-shaped families in the wrong homes creating a waiting list, with other people waiting to get into those properties.

Then there are the problems of sheer economics, particularly during the credit crunch—the subject of the report. The difficulty of moving between social houses creates an inability to move around which affects the running and flexibility of the economy. That is a key issue. We have already heard how the HOMES—Housing Mobility and Exchange Services—move programme collapsed post-1997 when the Labour Government privatised it and it went wrong, but there is now an online home-swapper programme, which moves more people around the country faster than any of the previous programmes. Will the Minister take a close look at how a proper national mobility programme and a set of measures that we have called the "right to move" could be put in place so that people who live in affordable, rented social housing can have the same mobility and flexibility to move as others?

On the Homes and Communities Agency, it is a huge quango, but we have not said that we are going to have a bonfire of all quangos. I suppose that we have said that we are going to have a barbecue of quangos and that we will check carefully what each of them does and whether it is performing to task. I have to say to the right hon. Member for Greenwich and Woolwich that I am not impressed when I see an agency that has 20 offices and spends £4.5 million a month on salaries alone, but as I have said to its chief executive Sir Bob Kerslake on several occasions, we want to see how the agency performs and what its outputs, rather than inputs, are—or what its outputs are in return for the inputs. The agency has time between now and the election to prove that it can get the stalled housing and the stalled town centres, as in my constituency, and other projects that it has an interest in, working. If it can, and if it proves to be an effective delivery model, then it or something similar would, presumably, have a role. To expect the Opposition to give a blank cheque to an agency that has been in place for only a few months—it got started on 1 December—without having seen how it really performs is unrealistic.

The same is the case for the Tenant Services Authority, which was set up by the same Act as the HCA. Indeed, the right hon. Gentleman and I both sat on the Committee that considered that Bill. I am not terribly impressed that the authority has so far spent its time surveying 27,000 tenants to get responses and then writing a draft report about what it might do. I want to see action from those organisations; they are spending a lot of public money and we need to make sure that we get proper protection to protect our tenants in the most efficient way. That is a quick round-robin of where we stand.

Mr. Betts: Does the hon. Gentleman accept that many tenants are rather pleased that the new authority is taking the time and trouble to listen to what they think? When it puts its monitoring arrangements in place to monitor what standards have been achieved by housing associations, arm's length management organisations and others, it will surely want to ensure that those monitoring arrangements are worked out so that the tenants' view of the standard of service that they are getting is reflected. That is its core mission, and I think that it is going about things from the start in a very admirable way.

Grant Shapps: That point gives me the opportunity to put on record that I want the absolute best, A-class service as far as representation for tenants is concerned. However, the TSA is not even doing the 1 million council houses yet, nor the ALMOs; it has focused only on registered social landlords. That will not come until 2010, so the picture is incomplete. I am concerned that it is taking so long to get things going.

Emily Thornberry: I have done an in-depth study of the views of my constituents who have housing association landlords. Interestingly, what came out of that was that

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one housing association might be at the top of the league in one place, but at the bottom of the league elsewhere, depending on the estate. The people who have the least power are the tenants, but they are also the people who know the most about the estates—and vice versa for housing associations. There is a big leap between national representation of housing association tenants and local representation, which is very important. The new body addresses that, and that is why I am a great supporter of it.

Grant Shapps: I am grateful for that intervention. I want to finish by the top of the hour, so I shall press on except to say that I am the Conservative who represents the most council tenants in the country, and that I want my 9,500 council houses—and the greater number of council tenants in them—to have the protection of a proper regulatory structure. The fact that the TSA does not yet cover them, coupled with my concern about the speed at which things are moving, makes me wonder whether it is going about things in the best way, or whether there are other ways of helping to provide those services to my constituent tenants and the hon. Lady's.

My final point is about the announcement, in the week before last, on "Moving Britain Forward" or whatever the latest catchphrase for a relaunch is, in which £1.5 billion was again promised to affordable housing. That is on top of the very admirable £8.4 billion from 2008-11. It is not for lack of promises that we have failed to build enough homes in the past few years. The confusion started almost from the moment that the £1.5 billion was mentioned, not least because the Government have yet to explain, even today, a fortnight later, where the cash is coming from. We understand that half has to be found from the communities and local government budget and that that money still has not been found. In the No. 10 briefings, morning after morning, we have been promised that this information will be released. Will the Minister explain where that half of the £1.5 billion is coming from? Is it the case, as many of us fear, that the only popular HomeBuy programme, Open Market HomeBuy—it gets confusing, so, for the Minister's reference that programme taken in the My Choice HomeBuy and the Own Home programme—has been cut, at a saving of about £210 million, to contribute towards the communities and local government half of that £1.5 billion programme? If that is the case, will the Minister accept that the Government are robbing Peter to pay Paul? Given their appalling record on housing, particularly on social and affordable housing, will he admit that the game is finally up?

4.58 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr. Ian Austin): It is a great pleasure to take part in this debate under your chairmanship, Ms Walley. I know what a great interest you take in housing issues and that you have great knowledge and expertise on and commitment to those issues. Excellent though the debate has been, I am sure that it would have been enhanced had you been able to take part. I wanted to pay tribute to all the work that you do in Stoke to fight for better housing for your constituents and to improve housing in the city as a whole, because you have not been able to speak in the debate about your role in your constituency.

Joan Walley (in the Chair): That is much appreciated.

Mr. Austin: Nevertheless, it has been a fascinating debate, in which a number of Members who are acknowledged experts on these issues have taken part. I congratulate my hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey), the Chair of the Select Committee, on producing the reports and securing the debate. I apologise to the hon. Member for Brent, East (Sarah Teather) for having popped out of the room—I am very sorry for having done so.

I welcome the opportunity to have this debate. In June, my predecessor gave evidence to the Committee on the issue, but a lot has happened since then and I am grateful for the opportunity to report on the progress that has been made. As a number of Labour Members have made clear, housing has always been one of the Government's top domestic priorities and, whatever the Opposition spokesman wants to claim, I think it is fair to say that we have made significant progress over the past decade. A million more households now own their homes, and there are more than 400,000 new affordable homes and 1 million more decent homes. All of that has made a real difference to people's lives up and down the country.

Following that period of real success, as the Committee's report shows, housing, along with many other sectors of the economy, is undoubtedly now facing difficult times. The global economic turmoil has made conditions much tougher for developers, home owners and prospective buyers alike. The Government have had four key priorities in responding to these challenges: first, to help home owners concerned about repossession; secondly, to support first time buyers; thirdly, to restart the flow of lending; and fourthly, to increase the number of homes being built and boost skills in the construction industry. I shall set out the progress that we have made on each of those.

Supporting home owners who are threatened with repossession, so that we can make sure no household needlessly loses its home, is one of our top housing priorities. That is why we have put in a place a framework of support through the whole arrears cycle—from debt advice to court desks—which has helped hundreds of thousands of families already. As part of that programme, we have boosted the support offered by the benefit system and have implemented new schemes offering targeted financial assistance to those in the greatest need: the homeowner mortgage support scheme and the mortgage rescue scheme.

Every repossession is a tragedy for the family affected and all the figures and statistics will be of no consolation to people who have lost their home, but the measures we have introduced will help thousands of households avoid repossession. As my right hon. Friend the Member for Greenwich and Woolwich (Mr. Raynsford) said, it is worth pointing out that the figures provided by the Council of Mortgage Lenders show that the number of repossessions in 2008 represent about 0.34 per cent. of all loans, which means that despite the fact that more than a million more households now own their home, the numbers affected are proportionately smaller than in the 1990s.

Again, as my right hon. Friend pointed out, the Council of Mortgage Lenders has already said that its forecast of 75,000 repossessions this year was looking pessimistic in light of the Government's intervention. The Council of Mortgage Lenders has now reduced that figure and that revision is a direct result of the action that we have taken, in combination with lower interest rates and other actions to support the economy. I am glad that the hon. Member for Welwyn Hatfield (Grant Shapps) raised that point and went into it in some detail. I want to deal with the matter with the same amount of detail. To be honest, it is a bit ridiculous to judge the success of a scheme or the impact of the Government's measures by the number of people whose homes have been sold to housing associations at the very final stage of one particular scheme and ignore the hundreds of thousands of people who have been helped much earlier in the process.

The macro-economic framework we have put in place means that millions of home owners have benefited from record low interest rates, which is in stark contrast to what has happened in previous recessions when interest rates soared to 10 per cent. for four years and 15 per cent. for a year. That caused even bigger problems for millions of families. Ensuring that lenders are offering their own forms of support to borrowers and that they are providing extra advice and protections through the courts has helped hundreds of thousands more people.

Grant Shapps: I am intervening because the Minister seems to be trying to paint a picture that suggests that, for all sorts of reasons, it does not matter that just six families are being helped through, for example, the mortgage rescue scheme. Is he aware that the real reason for that is it is almost impossible to jump through the required hoops to qualify for the scheme? I invite him to comment on that?

Mr. Austin: I will deal with that and answer the important point that the hon. Gentleman has made, but I want to take him through the whole process. To support households in financial difficulty, we have provided extra funding for debt advice, including £6 million for the National Debtline and £10 million for the citizens advice bureau. CAB figures show that 95,000 households received advice on a mortgage or secured loan last year. When a possession case has reached court, repossession is not inevitable and the right advice and support can help households remain in their home even at that stage. That is why we have put in place universal access to advice desks in courts, and have doubled DCLG funding for that vital scheme to £1.5 million for the current year. The scheme provides free legal advice and representation to people facing repossession or eviction hearings.

Legal protection for home owners in difficulty has also been strengthened. In 2004, the Government introduced statutory regulation of mortgages and the Financial Services Authority's regime affords consumers important protections and requires lenders only to repossess as a last resort. More recently, we introduced the mortgage pre-action protocol, which sets out clear guidance to the judiciary on what steps the courts expect lenders to take before bringing a claim to court. That helps ensure that lenders can only repossess as a last resort—and the measure has paid off. More lenders are working with their customers to help them stay in their homes and although, as I said earlier, every repossession is a tragedy, Ministry of Justice figures show a 42 per cent. drop in mortgage possession claims issued in quarter one of 2009 compared with quarter one of 2008. That is important as it is crucial for effective forbearance that lenders treat borrowers fairly and that borrowers talk to their lender if they enter financial difficulty.

On other measures, we are helping 200,000 through the support for mortgage interest scheme, which helps with payments towards the interest component of a mortgage. We have also introduced the homeowners mortgage support scheme, which helps people on reduced incomes to reduce their mortgage payments, and we estimate that that could help tens of thousands more households. In addition, the mortgage rescue scheme helps people stay in their homes—some by selling a stake to the housing association—and has helped up to 6,000 families, 200 of which have had repossession action in the first five months of the scheme. I want that scheme to help people as quickly as possible, but there are practical problems because households are selling their home when they enter the scheme. It is not an overnight process. We need to ensure that checks on the property are carried out and that the home owner gets proper advice before making the decision to go ahead.

However, we want to speed up the process where possible, which is why, on 30 June, the Minister for Housing, my right hon. Friend the Member for Wentworth (John Healey), announced our plans for the new mortgage rescue fast-track team, which will be up and running by the end of this month. The team will be based in Birmingham and will help manage MRS applications. Its work will include handling negotiations with lenders and registered social landlords, which should really speed up the process for some households.

The truth about the package as a whole is that millions have benefited from low interest rates—that did not happen in previous recessions—and hundreds of thousands have been able to stay in their homes because of direct help from the Government. As I said, every repossession is a tragedy and none of the statistics will be of any consolation. However, as a result of these measures, even though a million more households own their home, the numbers being repossessed are proportionately smaller than in the 1990s.

I understand the Opposition's position on this and why they want to claim that such schemes—the home ownership and the shared ownership schemes and so on, to which the hon. Member for Welwyn Hatfield referred earlier—are not having an impact. To be fair to the hon. Gentleman, I do not think he is making such claims to score political points—*[Interruption.]* Although, perhaps I am being too generous. I think there is a fundamental difference in our values and the Opposition's view of how things should be organised.

The Opposition want to say that the extra investment and the real help that we have provided is not working because they are ideologically opposed to Government intervention. When they talk about wanting a smaller state and rolling back the frontiers of the state, what they actually mean is that the Government should do less, and spend less. The Opposition would like to introduce spending cuts, so that they can do whatever they want to do on inheritance tax regarding some of the richest estates in the country. They were opposed to the action that we took to save the banks. They think

[Mr. Ian Austin]

our approach should have been to do much less or nothing during the recession and that we should cut public spending. We think that we should increase investment to keep people in their homes, save jobs and get the economy moving. Those are two very different sets of beliefs, are they not?

The next election will be an opportunity for the country to choose which approach it wants. But let us not reduce this to some kind of point-scoring around this or that number. Let us have an honest debate about the competing values that our different parties hold.

In addition to supporting those at risk of repossession, we have also taken action to help make home ownership more affordable. To help first time buyers get on the property ladder, we will provide increased funding for our low-cost home ownership schemes. These include the Rent to HomeBuy scheme, which enables potential purchasers to rent a property at below market rent for up to five years, giving them an opportunity to save the deposit needed to buy a share in their home.

The HomeBuy Direct scheme enables purchasers to buy a newly built home with the assistance of an equity loan of up to 30 per cent. Households with incomes of up to £60,000 that could not afford to purchase a suitable property on the open market are eligible to buy through HomeBuy. Together with the recent housing pledge, we expect to help more than 46,000 people into home ownership this year and next.

The Committee and my hon. Friend the Member for Sheffield, Attercliffe (Mr. Betts) discussed finance for mortgages. In January, the Government announced measures to reinforce stability of the financial system, increase confidence and capacity to lend, and support the recovery of the economy. Those measures build on the £500 billion package announced in October last year to help restore confidence and trust in the markets.

In addition, and as a condition of accessing the asset protection scheme, lending commitments on commercial terms have been agreed with the Royal Bank of Scotland and Lloyds for the 12 months from March 2009. Other banks have also signalled their intention to increase lending. That should help families looking to buy a property and households that want to remortgage.

As I said earlier, the Bank of England has taken decisive action to reduce interest rates. Mortgages are cheaper for some prospective buyers and many in home ownership as a result of the average mortgage interest rate having fallen from 5.8 per cent. in April 2008 to 3.59 per cent. in May 2009.

Let me turn now to housing supply, which was raised by my hon. Friend the Member for Islington, South and Finsbury (Emily Thornberry). She spoke with great passion about the problems facing her constituents. I would be happy to go to her constituency and meet some of those people and see for myself the conditions that she described. In addition, I would be happy to speak to her in more detail about the problems that she referred to with the housing market in London more generally.

The Government's help, combined with the commitment of the registered social landlord sector, meant that more than 47,000 affordable homes were funded through the HCA in 2008-09. That is a real achievement, and we have to do more. It is fair to say that, for decades, housing supply has failed to keep up with our growing and aspiring population, and that demand for housing, both affordable and in the private sector, will continue to increase. It will be crucial that our house building industry responds flexibly to meet that challenge.

That is why our recent pledge to invest £1.5 billion to build 20,000 new affordable homes for rent and low-cost sale is so important. The pledge builds on existing programmes: the national affordable housing programme, the local authority new build programme, the kickstart housing delivery programme and the surplus public sector land programme. The pledge will increase total investment in affordable housing over the next two years to £7.5 billion, and it will mean that more than 110,000 new affordable homes will be built during that period.

The Chairman of the Committee, my hon. Friend the Member for Milton Keynes, South-West, discussed the latest projections, which indicate that the number of households will grow at a faster rate, and that we might need to build even more homes. That underlines the urgent need to maintain our ambition to provide more homes, not just for now but for future generations as well.

Grant Shapps: The Minister is being generous in giving way. He rushed through the £1.5 billion pledge without mentioning where the money will come from. Could I push him on that point?

Mr. Austin: We have said—

Grant Shapps: You have not.

Mr. Austin: We have, actually. We said that the money will come from reprioritising in my Department and elsewhere in Government, and from underspends in other Departments. We will provide more detail in due course, but the challenge for him is to say whether he would match the pledge and what he would invest in providing new homes, and whether that would be subject to the cuts to which his party is committed. It is all very well for him to ask these questions—

Grant Shapps: You are the ones in government.

Mr. Austin: There will be a general election in less than a year, and the Opposition's proposals will come under just as much scrutiny as our record and our plans for the future. The country will face a big choice between our plans to invest in the economy, to save jobs in the construction sector and to provide the homes that people need, and the Opposition's plans to cut public spending. Frankly, I cannot wait for that debate, which will subject the Opposition's proposals to the scrutiny that they have so far escaped. I believe that the people of Britain will take a very different view of the Opposition's policies when we and the media are able to subject them to the scrutiny that they deserve.

The pledge also strengthened the local authority role in the delivery of affordable housing. The rules governing council housing finance were changed to allow local authorities to retain the full rents on new-build properties and the full capital receipt when any of those properties are sold. We propose to reform the council housing

finance system to embed those reforms. Several hon. Members commented on that during their speeches. I understand that the hon. Member for Brent, East raised the matter while I was out of the room. I am sorry about that. I gather that she was unhappy about the length of the consultation period.

Sarah Teather: I am concerned that the consultation will be published after the House rises. If there are issues in our boroughs that are raised with us as constituency MPs, not Front-Benchers, will we be able to raise them with the Minister before the close of the consultation? Will the consultation close before the House returns in October? I am concerned about that, and I am also concerned that, frankly, this should have happened five, six, seven or even 10 years ago rather than now, at the end of a parliamentary term.

Mr. Austin: Despite the hon. Lady's comments about when the consultation happens, I am sure that she welcomes the fact that it is now happening. Also, I am sure that she will not be on holiday from next Tuesday until the House returns in October, and I can assure her that neither my right hon. Friend the Minister for Housing nor I will be either. It is fair to say that she has never been slow to put her views forward, so I am sure that she will take the opportunity to express her views and those of local people. Obviously, if she wants to write to us or respond to the consultation, her views will be considered.

The changes were underpinned by additional investment through the pledge in the local authority new build programme, which provides funding for local authorities to build affordable housing on their land. The Chairman of the Committee asked about environmental standards, and whether they will be relaxed as a result of the pressures on the house building industry. I can assure her that it is not our intention to do that because of the recession. The housing pledge will create some 45,000 additional jobs in construction and related industries over the next three years.

Grant Shapps: Again, this needs to go on the record. The Minister talks about the housing pledge, and the additional homes to be built as a result of the £1.5 billion, but is he aware that in launching that pledge, the Government, without having ever mentioned it anywhere else, automatically downgraded their previous target of 70,000 homes?

Mr. Austin: The extraordinary thing about this debate is that I do not understand how the hon. Gentleman expects anybody to take seriously anything that he says about these numbers or these programmes if he is not prepared to tell us how much his party would allocate for investment in housing, how many homes they would provide and how that programme would be delivered. All this vague stuff that he talks about, such as greater freedoms, getting rid of targets and all the rest of it, does not mean a single thing. It does not mean that a single brick will be laid, a single home will be built or a single family will be rehoused. Until he is prepared to provide that sort of detail, no one is going to take seriously the points that he is making. He is point scoring on these issues.

I say to the hon. Gentleman that I think that he and his party are in for a rude awakening when the next election comes. It is interesting that they continually try to present themselves as adopting the approach that our party adopted in the mid-1990s, when we were campaigning for government after a long period in opposition. They try to suggest that they are adopting similar techniques and campaigning methods, learning from what we did and all of that. However, there is a big lesson that he should learn.

Grant Shapps: Talk about housing.

Mr. Austin: When the hon. Gentleman's leader talks about being the "heir to Blair", for example, and so on—

Joan Walley (in the Chair): Order. I just want to remind Members that we need to restrict the debate to the Government's response to the Select Committee report.

Mr. Austin: I will be very brief. I was simply going to say that all of the plans that we set out before the 1997 election were absolutely clearly costed. We were absolutely clearly open with the electorate, and that is why they trusted us and voted for us. The lack of detail is what is going to cause the hon. Gentleman and his party a big problem when the next election campaign comes.

Dr. Starkey: I wish to concur with what Ms Walley has said. May I urge the Minister to respond to the issue that both I and my hon. Friend the Member for Sheffield, Attercliffe (Mr. Betts) raised?

Mr. Austin: Yes, I will.

Dr. Starkey: That is the issue of the asset-backed security guarantee scheme and whether the Minister and his Department will talk to the Treasury about modifying it to make it more effective, given that the Treasury Committee is on the same line and will doubtless make similar recommendations in due course.

Mr. Austin: I listened with interest to the points that my hon. Friend the Member for Sheffield, Attercliffe made and I have read the points that have been made in the report. I know that the Treasury is aware of those points too and I will ensure that he gets a more detailed response from the Treasury.

However, I wanted to move on quickly to the issue of skills, because I think that the report is absolutely right to identify that it is essential that we do not repeat the mistakes that were made in the last recession, when skilled workers left the construction industry. They did not come back even when conditions improved, which left a real gap between the level of skills that the industry needed for the longer term and the skills that were available. It took about 15 years for the industry to recover.

That is why we have taken significant action to help the construction industry to maintain skills and outputs. As part of that approach, we have brought forward significant amounts of Government spending to build new social housing, to repair and upgrade existing social housing and to ensure that even more privately rented homes are of a decent standard. On top of that, through the Homes and Communities Agency we allocated £350 million last year to buy 9,600 unsold new homes from private developers for use as affordable housing.

[Mr. Ian Austin]

My right hon. Friend the Member for Greenwich and Woolwich is absolutely right to draw a distinction between that work and the housing market package in the early 1990s. I worked for a housing association at that time and although I had nothing to do with property acquisition I remember being sent out to drive round the estate agents of the west midlands, in what was really an arms race with other housing associations to buy up as many homes as possible. That package from the early 1990s can hardly be compared with the strategic and targeted approach that the Government are taking now.

More recently, as part of the Budget package for housing we put in place the £400 million kickstart housing delivery programme. That programme will help to restart stalled construction activity across the country by using equity, infrastructure, gap and affordable housing funding to leverage in private development finance. It has now been strengthened by the housing pledge to deliver approximately 22,000 homes, of which a good proportion will be affordable.

We are also promoting apprenticeships on Government projects such as the 2012 Olympic games, with an apprenticeship matching scheme that is led by ConstructionSkills. We expect the Olympic games to create 250 construction apprenticeships. We are also working with the HCA to put targets for apprenticeships in place across the broad range of HCA projects. By maintaining the supply of homes, affordable or otherwise, all of that investment supports skills and capacity within the house building industry.

Before I finish, I wanted to pick up on the point that the hon. Member for Welwyn Hatfield made about rough sleepers. I was planning to write to him in more detail on this issue, because I do not think that the situation is nearly as simple as he pretends that it is. The key point to make is that, whatever one thinks about the figures and however they are calculated, they demonstrate a trend of massive reduction, by about 75 per cent., since we embarked on our programme for rough sleepers. I think that anybody would concede that that is the case. The challenge for him and his party is to tell us if they will match the 2012 target, because that is another subject on which they have been entirely silent.

Before I conclude, I must say that it is important that we do not lose sight of the bigger picture and continue our vital work to put in place the conditions to accelerate a sustainable recovery. That includes ensuring a sufficient supply of deliverable land, an efficient and proportionate planning system, co-ordinated infrastructure provision that is aligned with housing plans, a strong and diverse house building sector and regulations that help to facilitate more homes that are better designed and green. I am confident that our suite of sustained investment and support will enable us to meet our future challenges and to emerge with the homes and communities that we need for a stronger and fairer Britain.

Joan Walley (in the Chair): Does Dr. Starkey wish to reply to the debate?

Dr. Starkey: No, Ms Walley, I do not.

Question put and agreed to.

5.26 pm

Sitting adjourned.

Westminster Hall

Tuesday 21 July

[MR. DAVID AMESS *in the Chair*]

Israeli Settlements

Motion made, and Question proposed, That the sitting be now adjourned.—*[Mr. Watts.]*

9.30 am

Rob Marris (Wolverhampton, South-West) (Lab): It is a pleasure to serve under your chairmanship, Mr. Amess. I want to put on the record my thanks to the Palestine Solidarity Campaign for its briefing, to the Library for its excellent debate pack, to Oxfam, with which I had a brief telephone conversation, and to the excellent Chris Doyle from the Council for Arab-British Understanding. I also pay tribute to my hon. Friend the Member for Battersea (Martin Linton) who had the previous Westminster Hall debate on this subject on 17 December last year, and has been a tireless advocate for the rights of Palestinians in the middle east.

When the United Kingdom was an imperial power, we went to places such as Canada, Australia and Rhodesia, and occupied them militarily. We stole the land, and people went to live there. Those countries, under UK control, were called colonies. "Settlement" is a cosy word, and I will use it because it is the common word, but the west bank, the Golan heights, Gaza and East Jerusalem are colonies, and we should not lose sight of that.

I have no quarrel with the people of Israel, but I do have a quarrel with the successive Israeli Governments whom some Israeli people chose to elect, and it is sad that the bright ambition for a better future of many Jews who move to Palestine has been tarnished by a state that is, although in many ways successful, in some ways a failed state. It has fallen out with most of its neighbours, so it cannot guarantee the security of its citizens, which is sad. I emphasise that I support the right of Israel to exist, and I also support a two-state solution, but how is that to be achieved, given the fragmentation of land, particularly in the west bank?

What would be the size and shape of a Palestinian state? Gaza, East Jerusalem and the west bank extend to about 5,600 sq km, which is much smaller than historically was the case. When the mandate expired in 1948, 54 per cent. of historic Palestine was ceded to the Israelis and 48 per cent. to the Palestinians. After the six-day war in 1967, which I am old enough to remember vividly, the figures were 78 per cent. for the Israelis and 22 per cent. for the Palestinians. Let us consider what that 22 per cent. constitutes. It includes 48 closed military areas in the west bank. It includes nature reserves, which too often become settlements years later. It includes roads for the use only of settlers, and they are not just little roads, but are 125 m wide. There are many of them, and they take up a lot of land. There are innumerable closures in the west bank—my latest count is 614, including checkpoints, partial checkpoints, road gates, roadblocks, earth mounds, trenches, road barriers and earth walls.

The Israeli wall, which is illegal according to the International Court of Justice, will extend to 725 km. About 60 per cent. of it has been built and—surprise, surprise— parts of it are not along historic boundaries, but nick more Palestinian land. The west bank has about 121 settlements and dozens of outposts, which could be described as nascent settlements. The World Bank estimates that about one third of settlement land is on private Palestinian land, the remainder being on communal land under Ottoman law. It is agreed by the Palestinians that built-up settlements constitute 1.7 per cent. of the west bank, but the municipal boundaries into which those settlements have expanded historically constitute 9 per cent. of the west bank. As we all know, we have ended up with fragmentation of Palestinian towns and villages in the west bank with around 227 separate Palestinian areas, which the Israeli Government are connecting with tunnels, which—surprise, surprise—are also subject to closures and checkpoints.

All those factors—the military areas, the nature reserves and so on—have resulted in about 12 per cent. of historic Palestine being left with the Palestinians and 88 per cent., one way or another, with the Israelis. That is down from 1948 when the Israelis had 54 per cent. and the Palestinians had 48 per cent., and that makes it extremely difficult to have peace in the middle east. Successive Israeli Governments promised seriatim to free settlements and to remove outposts, including, in March 2001, in phase 1 of the road map, in April 2001 following the Mitchell report, in November 2007 following the Annapolis conference, and recently in discussions between Prime Minister Netanyahu and President Barack Obama of the USA.

We must examine the situation on the ground. In 1972, there were about 10,500 settlers in the west bank, Gaza, East Jerusalem and the Golan heights. The latest figures that I have, for 2007, show that there are about 474,000 settlers in the west bank, East Jerusalem and the Golan heights. They are no longer in Gaza because in 2005 the settlements there were evacuated. The Golan heights are often overlooked, but in 1972 there were 77 settlers, and in 2006 there were more than 18,000 in 32 settlements, so in the west bank and the Golan heights in the past six years the number of settlers has risen from 211,500 to 289,500—a 37 per cent. increase in six years. That trend is deeply disturbing and continues apace.

In 2008, the population of the state of Israel increased by 1.8 per cent., but the population of the settlements increased by 5.6 per cent., a threefold greater increase in the settler population than in the overall population of the state of Israel. Successive Israeli Governments have been totally complicit in encouraging settlements. Pinchas Wallerstein, Director-General of the Yesha Council of Settlements, a leading figure in the settlement movement, said:

"I'm not familiar with any"

building

"plans that were not the initiative of the Israeli government."

Successive Israeli Governments have provided settlers with grants and tax breaks, although they have now been stopped, but preferential loan arrangements are still available.

It is clear that settlements are not simply about population or military security. Uzi Arad, national

[Rob Marris]

security adviser to Benjamin Netanyahu, was reported in the *Financial Times* on 11 July to have said:

"Damacus should know that neither this government nor the majority of Israelis would agree a complete withdrawal"

from the Golan heights

"since that would compromise national security, water and settlement needs."

Part of the problem concerns water.

I will discuss the legal position, but I will not discuss the many attacks by settlers on Palestinians, most of which, as far as one can tell, are not punished. I will not talk about the intricacies of labelling goods and products from the settlements, but I will talk about the legality of some of those issues. I will not talk about the labour standards suffered by the estimated 20,000 to 30,000 Palestinians who work on settlement land now controlled by Israelis, and who do not often get minimum labour standards such as the minimum wage.

The legal position is clear. There have been successive UN Security Council resolutions—for example, resolution 465 from 1980, which stated that

"all measures taken by Israel to change the physical character, demographic composition, institutional structure or status of the Palestinian and other Arab territories occupied since 1967, including Jerusalem, or any part thereof have no legal validity and…Israel's policy and practices of settling parts of its population and new immigrants in those territories constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East".

That is one of several Security Council resolutions on the issue.

In the advisory opinion by the International Court of Justice in 2004 on the legal consequences of the construction of a wall in the occupied Palestinian territory, it unanimously ruled that settlements were illegal. It stated that

"since 1977, Israel has conducted a policy and developed practices involving the establishment of settlements in the Occupied Palestinian Territory, contrary to the terms of article 49, paragraph 6, of the Fourth Geneva Convention which provides: 'The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.'"

The opinion continued:

"The Court concludes that the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law."

There are important legal issues for our Governments. There is a strong argument that Israeli settlements are explicitly a war crime, because when one occupies territory, there is, under international law, a limit to what one can do there. The allegation that the settlements are a war crime was re-emphasised in the Rome statute, and it was incorporated in English law in the International Criminal Court Act 2001—section 55 in particular. The UK's Geneva Conventions Act 1957 criminalises those who aid and abet violations.

The UK Government position has been very clear. For example, the then Foreign Office Minister, who is now the Minister of State, Ministry of Defence, my hon. Friend the Member for Harlow (Bill Rammell), wrote to me on 12 March 2009, saying:

"We have made very clear that we oppose the expansion of settlements. Settlements are illegal and their expansion is an obstacle to the peace process."

I wrote back about the E1 area, which is a large area just east of East Jerusalem, which is where, arguably, the Government of Israel are trying to create what they are pleased to call "facts on the ground". The same Minister wrote to me on 20 May, saying:

"We agree that activity in the E1 area is of great concern...Continued settlement activity is contrary to Israel's commitments under the Road Map...We, and our EU partners, continue to condemn illegal Israeli settlements...On 20 February the EU issued a statement condemning Israeli settlement activity".

That condemnation is fine. It should be there. Let us consider what the Harvard programme on humanitarian policy and conflict research said in January 2004 about the status of occupied land and what an occupying power could use it for:

"The Hague regulations…require that the Occupying Power administer public lands, but only under the rules of usufruct, i.e. title to the public land is not transferred to the Occupying Power. The Occupying Power only acquires control over the 'fruits' of the land, and may engage in profitable use of public lands only for the benefit of the local population, as well as to cover the cost of the occupation itself…Further, an Occupying Power cannot requisition or seize private property on grounds other than security, unless such action is undertaken in accordance with local legislation in the occupied territory".

There have been clear cases of seizures of private property in the occupied territories leading to settlements on that seized land. As I said, the World Bank estimates that one third of settlement land is on private land.

We therefore have the background legal position. For those who are not lawyers—I am fortunate enough to be a lawyer by training, although I do not moonlight, so I have not practised in the eight years for which I have been a Member of Parliament—let me say that under that legal doctrine, public authorities are under an obligation not to take any action that would imply recognition for the consequences of an internationally criminal act. For example, collecting customs duties for goods from settlements could imply recognition. There is a strong argument that the United Kingdom Government are in breach of that and have, de facto, recognised those settlements and the produce that comes from them.

On 22 July 2008, my hon. Friend the Member for High Peak (Tom Levitt) asked the Government about customs duties. He asked,

"how much in duties has been collected from companies importing produce into the UK from Israeli settlements in the occupied Palestinian territory".

The then Treasury Minister, my right hon. Friend the Member for Liverpool, Wavertree (Jane Kennedy), replied:

"Between 1 February 2005 and 31 January 2008, HM Revenue and Customs have issued demands for approximately £338,000 customs duty on products imported into the UK from Israeli settlements in the occupied Palestinian territory under the provisions of the EC-Israel Association agreement."—[*Official Report*, 22 July 2008; Vol. 479, c. 1393W.]

When my hon. Friend the Member for Milton Keynes, South-West (Dr. Starkey) asked a similar question less than a week ago, on 16 July 2009, the successor Treasury Minister, my right hon. Friend the Financial Secretary to the Treasury, replied:

"In the 12 months ending 31 March 2009, HM Revenue and Customs have issued demands for £21,494 customs duty on

products imported into the UK from Israeli settlements in the occupied Palestinian territory under the provisions of the EC-Israel Association Agreement."—[*Official Report*, 16 July 2009; Vol. 496, c. 689W.]

Products are coming into the United Kingdom from what many of us believe to be illegal settlements—there are strong legal arguments at international level that they are illegal settlements—yet we are accepting them into our country quite openly, to the point at which we are collecting customs duties on them. There may be other products being sneaked in, but we are collecting customs duties on them.

Understandably, therefore, my hon. Friend the Member for Birmingham, Selly Oak (Lynne Jones) asked:

"for what reasons the Government is not seeking a prohibition on the importation of goods from illegal Israeli settlements other than under the Preferential Trade Agreement."

The Minister who is with us today replied:

"The Government believe that the best way forward is to seek ways to offer consumers better advice on whether goods have been produced in illegal Israeli settlements."—[*Official Report*, 8 July 2009; Vol. 495, c. 856W.]

We certainly need much more consumer information. There will be several hon. Members present who, like me, search on supermarket shelves to try to find the origin of this stuff, to ensure that we are not buying stuff that would make us complicit in what is going on in the occupied territories in terms of production and export from settlements.

The then Foreign Office Minister, now the Minister of State, Ministry of Defence, wrote to me on 12 March, saying:

"We are...looking at what practical steps we can take to discourage settlement expansion, such as ensuring that goods produced in illegal settlements do not benefit from EU trading agreements with Israel."

I have to say, however, that I am deeply disturbed about the position on such products.

Commendably, the Government agree that there should be a freeze on settlements, and that is to be encouraged, but I would like it to go further. I therefore have some questions for the Minister. First, do the Government agree that there should not only be a freeze, but that all existing settlements should be evacuated? If not, why not? Secondly, will the Minister confirm that UK-based charities should not donate money to settlements? That is certainly the pattern in the USA, and I would appreciate some clarity about the legal position of charities in the UK.

Thirdly, will the Minister confirm that the EU-Israel association agreement, which gives tariff breaks, does not apply to goods exported from settlements to the EU, including the UK? Fourthly, why do the Government allow any products from Israeli settlements in the occupied Palestinian territories to be imported into the UK? Fifthly, why do they condone such imports by allowing them in and then levying customs duties on them? Have they obtained a legal opinion on the legality or otherwise of such imports? If not, why not? If they have, when did they obtain it? Will the Minister or one of his ministerial colleagues release the conclusions—not the entirety—of that legal advice?

The position in international law is clear: the settlements and the wall are illegal, but the settlements continue to expand. Every now and then, there is the fig leaf of a freeze on settlement building, but the freeze is lifted when nobody is looking, and the settlements continue to expand, even though they breach several UN Security Council resolutions and international conventions.

The Government have raised the issue of settlements with successive Israeli Governments, but to no avail, and the settlements continue to expand. Having repeatedly tried diplomatic pressure on successive Israeli Governments, they should now ban not only imports from settlements, but all imports from Israel, as well as introducing a defence embargo, until Israel abides by its international legal obligations. If, surprisingly, the Minister does not agree with a total ban on imports, I would be grateful if he could explain why.

Several hon. Members *rose—*

Mr. David Amess (in the Chair): Order. The winding-up speeches will start at 10.30 am, and eight hon. Members wish to speak. I certainly want to call everyone, but that means, mathematically, that hon. Members should take no more than five minutes.

9.53 am

Dr. Evan Harris (Oxford, West and Abingdon) (LD): I will certainly keep within that time limit, Mr. Amess. I apologise in advance for the fact that I must shortly attend a Select Committee that the House eventually set up last night, so I will not be able to stay for some of the winding-up speeches.

I want to make two brief observations as someone who recognises Israel's security needs. One, which the hon. Member for Wolverhampton, South-West (Rob Marris) clearly and expertly made early on, is that although Israel has security issues, the settlements make them worse. Not only are the settlements unlawful by any judgment of international law, and not only are they unacceptable, a provocation and a barrier to the peace process, but they make the task of providing security for Israel—I recognise the need to do that—more difficult. Not only can the settlements not be justified, therefore, but they are totally counter-productive in terms of Israeli security. That leads many of those, such as myself, who are more receptive to Israel's security needs to question whether Israel's settlements policy is an adequate motive for many of the other things that Israel does.

The same applies to the Golan heights. The military occupation, which is argued for on the basis of security needs in the absence of a long-term peace with Syria, is something we can debate—whether or not we agree with it or understand it, we can at least see the basis on which Israel takes its view. However, placing civilians somewhere where they are essentially in harm's way and putting extra burdens on the Israeli security services that must protect those civilians is entirely unfathomable from a logical or rational point of view, and it cannot be defended.

The same goes for the west bank, where the civilian occupation of another people's land makes peace more difficult to obtain in the long run. It also engenders extremism among the Israeli population, because settlers are likely to be extremely defensive and perhaps more zealous in their opinions about the historical boundaries of the biblical country, which is not a good basis on which to move forward to peace. The occupation also

[Dr. Evan Harris]

places extra burdens on the security services and raises the security stakes. Whatever one believes, therefore, about Israel's right to exist, which I support, and however sympathetic one is, as I am, to some of the measures that it takes to protect itself, one simply cannot defend the settlement policy, which, in terms of Israel, is the single biggest barrier to progress in the middle east.

The other point that I want to make is that it is unacceptable for British consumers not to know which products come from illegal Israeli settlements in the west bank. We have all sorts of labelling requirements that are not justified scientifically—on genetic modification, for example—but there is no provision to introduce labelling on a human rights issue that it is critical for people to understand if they are to make an informed choice and show where their support lies. I therefore urge the Minister rapidly to give further thought to how labelling can be introduced.

From a human rights, an international law and a security point of view, the settlements are unacceptable, and I strongly support the approach taken by the hon. Gentleman, who has done us the favour of bringing this issue before us.

9.58 am

Mr. Andy Slaughter (Ealing, Acton and Shepherd's Bush) (Lab): I, too, will try to keep within my time, Mr. Amess. I congratulate my hon. Friend the Member for Wolverhampton, South-West (Rob Marris) on securing the debate and on his excellent contribution. I hope that the Minister will be able to answer his many pertinent questions.

There can be no doubt that settlements are the test issue in the middle east peace process, and the new US Administration have rightly made them so. President Obama famously said:

"The United States does not accept the legitimacy of continued Israeli settlements. This construction violates previous agreements and undermines efforts to achieve peace. It is time for these settlements to stop."

More recently, the Secretary of State, Hillary Clinton, said of President Obama:

"He wants to see a stop to settlements—not some settlements, not outposts, not 'natural growth' exceptions."

It is obvious why settlements are the issue. My hon. Friend mentioned international law, and settlements are clear breaches of it. They are also an easy issue for the general public to understand. They are, quite literally, concrete proposals and they are an act of occupation. For most people who look at the issue in a fair and objective manner, that is clearly an injustice that cries out to be corrected.

There is inequity in a situation in which the demolition of Palestinian homes goes side by side with massive settlement-building. I was on the west bank in 2007 and I spent a harrowing morning with parliamentary colleagues watching the Israeli security services knocking down the upper floor of a Palestinian home, with bulldozers and cranes that had been brought to the village. Less than a kilometre away, across the valley, construction could be seen going on apace on a large Israeli settlement. If that seemed to us, as parliamentarians, an injustice crying out for vengeance, how did it seem to the Palestinian citizens of that village? The home in question was owned by a black family—I think the only black family in the village—who had left their original home and fled from Israeli violence in 1948, and had built the home that was now being destroyed by an occupying power.

Many other consequences flow from the settlements, such as the settler roads, checkpoints and other security measures, and the barrier that has been extensively documented by B'Tselem and other organisations. That is primarily there to protect settlements, and not to protect Israel's security; it can, clearly, be accessed, but it is built into Palestinian territory to achieve that aim. As I think has been established, the consequence and the actuality is that 227 separate Palestinian enclaves—one cannot call them more than that—now make up the west bank. They make up no more than 12 per cent. of the territory of historic Palestine. That "Bantustanisation" is increasingly making a two-state solution impossible.

Ms Karen Buck (Regent's Park and Kensington, North) (Lab): Does my hon. Friend agree that the access roads issue is a concern not just because of the impact on Palestinian lives, and the day-to-day humiliations that so many people must undergo, but because the economic recovery of the west bank is made almost impossible by the way Palestinian land is subdivided and people are prevented from going about their business?

Mr. Slaughter: Yes, that is true. Reports to this House have shown that, and if I had more time I would go into more detail about the overall crippling effects on Palestinian civil society and life that arise from the settlements, which go way beyond that.

We can see the intention that was set out by the Israeli Government. There are famous quotations, mainly from Ariel Sharon, because he had perhaps a nicer turn of phrase. Back in 1973 he said:

"We'll make a pastrami sandwich of them, we'll insert a strip of Jewish settlements in between the Palestinians, and then another strip of Jewish settlements right across the west Bank, so that in 25 years, neither the United Nations, nor the USA, nobody, will be able to tear it apart."

A prescient comment perhaps, but of course he was the architect of much of that carving up. In 1998 he went on to say, addressing a meeting of right-wing militants:

"Everybody has to move, run and grab as many hilltops as they can to enlarge the settlements because everything we take now will stay ours...Everything we don't grab will go to them."

I am afraid that that is not history or extremism: it is what we now see with the current extremist Israeli Government.

At the beginning of this month the Housing Minister Ariel Atias, according to *Haaretz*,

"warned against the spread of Arab population into various parts of Israel, saying that preventing this phenomenon was no less than a national responsibility."

To the credit of the Israeli population—and I am a supporter of the state of Israel—most of the 150 comments on the article described that as exactly what it was: apartheid and racism, which should have no place in the state of Israel. However, that is what is seen as possible in the west bank.

The sad thing, on which I shall end, is the fact that at present the response of the Israelis is not to engage with the Obama Administration, but to throw into action

the formidable propaganda machine that we last saw during the invasion of Gaza, with reports in the past few days to show that the US condones the continued development of settlements and that private US money is going into settlements. That, and Olmert writing in the *Washington Post* last Friday that settlements were not the issue—which is, ironically, exactly what he told the Prime Minister a year ago today when he visited Israel—are attempts to deflect the issue and make it go away. Often, the Israeli response is, as now, to continue and accelerate building, and accelerate the recognition of settlements.

My hon. Friend the Member for Wolverhampton, South-West has raised some very pertinent points and questions. The central question for the Minister is this: yes, we would like a reaffirmation of the promise of a total freeze on settlement development, but despite strong statements from the Government in the past, that has not worked; so what steps—I do not ask for a specific step—will be taken now to ensure that, in relation to trade, construction and dismantling, the British Government, through the EU or other partners, or directly, can deal with the issue of settlements, without which there will be no peace in the middle east?

10.6 am

Mr. Colin Breed (South-East Cornwall) (LD): I, too, will observe the time. I am grateful to the hon. Member for Wolverhampton, South-West (Rob Marris) for securing the debate.

No one can go to the occupied territories for long without history rearing its head in some way. Of course, we get different versions and views of history. A quotation in a letter of February 1914, from Israel's first Foreign Minister—and its second Prime Minister—is instructive:

"We have forgotten that we have not come to an empty land to inherit it, but we have come to conquer a country from a people inhabiting it, that governs it by virtue of its language and savage culture...If we cease to look upon our land, the Land of Israel, as ours alone and we allow a partner into our estate—all content and meaning will be lost to our enterprise."

Those are words to cause a shudder, when we think where we are nearly 100 years later. The gradual erosion of Palestinian residence rights was designed to pass by stealth, unnoticed by the international community.

In the early days of occupation the civil Administration could simply have taken possession by force of the land in the west bank and Gaza that it wanted for colonisation, but it preferred to devise "legal" manoeuvres to justify its actions and avoid the obvious bad publicity. It is worth examining—we could if we had time—the careful manipulation of the legal framework relating to land ownership in the west bank, to understand how that large-scale theft of Palestinian land was hidden behind a façade of legality. We all encounter that in our own way when we visit.

In 2004 Israel tried to resurrect the 1950 law on absentees' property for use against west bank Palestinians who owned land in East Jerusalem. Even today we see the attempt to continue that process by taking advantage of the building of the 800 km separation wall, which is justified on the ground that it will prevent suicide attacks. The steel and concrete wall dividing the sections of East Jerusalem has sealed a large area of the city off from the west bank. Landowners in the west bank, cut off from their lands by the wall, were informed that they had now been classed as absentees, and their land was being confiscated. That is just one example of the way in which the legal framework can be manipulated to achieve certain ends.

More successful have been the confiscations on so-called administrative grounds. As we have heard, under the fourth Geneva convention an occupying power is entitled to make changes only if those are necessary for its security, or if they benefit the local occupied population. That provision should have forestalled any plans on Israel's part to confiscate land for settlement. Shortly after the 1967 war, however, Israel's chief adviser on international law advised that confiscations could occur on one condition, saying:

"it is vital that it"—

that is, the expropriation of land—

"be done by military bodies and not civilian ones...in the framework of bases"—

that is, in the framework of establishing bases. The chief adviser went on to warn that those bases should be temporary in nature. In the first years of the occupation, therefore, Israel was careful to cite security as the reason for taking Palestinian land, to establish what it claimed were military camps or outposts. Those people who have visited the occupied territories have seen those outposts, which were ostensibly set up for security purposes.

We know that in the early 1970s the number of those bases grew dramatically, with additional land confiscated to provide them with the services they required, such as roads, electricity and water. Other land was requisitioned for firing ranges and training grounds, as the occupation was entrenched in that land.

We have seen a complete misuse of legal frameworks to justify the actions by the Israeli Administrations. The Likud Government who promised they would no longer colonise Palestinian private land faced the ruin of a greater Israel project, unless new grounds for confiscating Palestinian land could be found. Up popped a senior legal official in the Justice Ministry to come to the rescue. That official was entrusted with surveying the west bank to find out how much of it could be classified as "state land", so that it could be claimed as Israeli territory that was ripe for settlement.

According to international law, Israel had to abide by the laws that were already in force when the territories were occupied. In the case of the west bank, that meant Ottoman laws, along with the minor modifications made by the British and Jordanians to those laws. However, Israel hijacked those existing laws, mischievously reinterpreting them so as to define much of the occupied territories as so-called "state land", a category all but unheard of in Palestine.

In a way, in the last few decades we have seen a gradual confiscation, theft and misuse of legal framework to carry out those original objectives outlined in the letter from nearly 100 years ago that I quoted from at the start of my contribution to this debate. The international community has, in many respects, stood by and allowed that to happen. There is an opportunity now in this moment of time—I am grateful for the opportunity that this debate presents—for the international community to put something of that right, after all these years.

Anyone going to the occupied territories or to Israel cannot fail to identify what would be seen as injustice in the way that people have lost their homes, their livelihoods

[Mr. Colin Breed]

and indeed almost any hope. And yet, we stand by and we almost allow that process to continue. As we have heard, the Israelis continue to exploit that opportunity and that space, to continue the building of settlements.

I want to finish with another quote, this time from a Palestinian lawyer in Ramallah, and I hope that it will run counter to the first quote that I read out at the start of my contribution to this debate:

"We now moved in our own country surreptitiously, like unwanted strangers, constantly harassed, never feeling safe. We had become temporary residents of Greater Israel, living on Israel's sufferance, subject to the most abusive treatment at the hands of young male and female soldiers controlling the checkpoints, deciding on a whim whether to keep us waiting for hours or allowing us passage. But worse than that was the nagging feeling that our days in Palestine were numbered and one day we were going to be victims of another mass expulsion."

That mass expulsion must never be allowed to happen and it is up to us and the rest of the western world, who have stood by for far too long, to ensure that it does not happen.

10.13 am

Martin Linton (Battersea) (Lab): Like my hon. Friend the Member for Wolverhampton, South-West (Rob Marris), I respect the desire of Israelis and Palestinians to have a state of their own and I support the two-state solution. However, let us dispose of illusions from the start. The Israelis took 78 per cent. of historic Palestine by military force, leaving the Palestinians with 22 per cent. After the 1967 war, some Israeli politicians adopted a strategy aimed at taking as much of the remaining 22 per cent. of historic Palestine as they could. They did not admit so publicly and, fortunately for them, many western politicians were either complicit or were hoodwinked by their denials. However, they did admit privately that they were doing it. My hon. Friend the Member for Ealing, Acton and Shepherd's Bush (Mr. Slaughter) has already quoted the letter written by Ariel Sharon in 1973—the "pastrami sandwich" letter—in which Sharon described precisely what had happened in the previous 25 years. Then, 25 years later in 1998, there was another quote from Ariel Sharon, after all the settlement had happened, when he encouraged militants in an extreme right-wing party, by saying:

"Everybody has to grab as many hilltops as they can".

In those intervening 25 years—between 1973 and 1998—growth of the settlements was continuous and relentless, despite Oslo, the road map and Annapolis. The settler population has doubled since Oslo. Some settlements have quintupled in size. For example, the population of Betar Illit rose from 5,000 in 1994 to 25,000 in 2004. As my hon. Friend the Member for Wolverhampton, South-West said, population growth in the settlements has been three times as fast as population growth in Israel. Two thirds of that growth in the settlements has been the result of "natural growth", which of course is very high among settlers, and the other third has been the result of Israelis and people from outside Israel moving in.

The settler population has grown every year. Even in the year that the Gaza settlements were given up, growth in the west bank settlements more than made up for it. Indeed, that is what Sharon told his friends—that he was giving up Gaza so that he could get a better grip on the west bank. Now we have nearly 500,000—my figure is 482,000—settlers in the west bank.

Two years ago, Ehud Olmert promised that he would not expand the settlement boundaries. I was taken in; I thought that sounded good. However, I was hoodwinked. That is because for every acre of built-up land in a settlement, that settlement has four acres earmarked for expansion within its municipal boundaries. A promise not to expand the boundaries was totally meaningless.

The Israelis do not seem to care that it is illegal, under the fourth Geneva convention, to transfer a civilian population to an occupied territory; that it is illegal to expropriate land from the occupied population; that it is illegal to destroy their property; that it is illegal to discriminate against them by building settler-only roads; that it is illegal to fail to ensure public order—

Mr. David Drew (Stroud) (Lab/Co-op): Would my hon. Friend like to pay due regard to those people, many of whom are from this country, who go on behalf of the Quaker peace and justice movement to report on the issues that he has referred to, before coming back to this country and other countries to tell us what is really happening? Those are very brave people, are they not?

Martin Linton: Indeed. I join my hon. Friend in his tribute to the many people who take great risks to bring to the world's attention what is going on in Israel and the occupied territories.

As I was saying, it is illegal to fail to ensure public order, for instance by allowing settler violence. However, even the author of the official report of the Israeli Government on settlement outposts said:

"The attitude towards law breaking settlers is mostly forgiving. The result is a large increase in law violations."

It is also illegal to build the wall inside the west bank. It is okay to do so on the green line, but 87 per cent. of the wall will be in the west bank and it will not be there to enhance Israel's security but to enhance the security of the settlements themselves.

If it is legal for the Israeli courts to transfer ownership of Palestinian homes in Sheikh Jarrah to Israelis who owned them in the 1920s or 1930s, as the Israeli courts did yesterday, most of the Israelis in Israel should be forced to hand their homes back to the original Palestinian owners.

The wall is strangling the Palestinian economy and imprisoning many Palestinians in their own villages. Already, 10,000 people live in areas enclosed by walls on all sides; 125,000 people will be surrounded by walls on three sides. In total, 70 gates, 43 tunnels and underpasses, and 614 checkpoints have been constructed, as my hon. Friend the Member for Wolverhampton, South-West pointed out.

Our Government's response has been to protest to the Israeli ambassador, but protesting to the Israeli ambassador is a pointless exercise; it is like shouting at a fish. All the evidence is that, when we protest, the Israelis build the settlements even faster. Even since Obama's speech, they have approved 300 new homes north of Ramallah and a new settlement in the Jordan valley. The only thing that will have any effect is international action to impose an economic penalty on Israel.

I thank the Minister for rejecting the upgrade of the EU-Israel trade agreement, but I ask him to go further and suspend it, because the Israelis are in breach of its human rights clauses. I am glad that he has taken a firm line on settlements and encouraged President Obama to do the same, but what action will be taken against Israel if it refuses to stop building illegal settlements? Given that it is illegal under the Geneva convention to build settlements on occupied land, what action will be taken against the Israeli Government?

I have many other questions, but my time is up.

10.20 am

Jeremy Corbyn (Islington, North) (Lab): I congratulate my hon. Friend the Member for Wolverhampton, South-West (Rob Marris) on securing this debate.

I shall be brief. Like many in the Chamber, I have had the good fortune to visit Israel, the west bank and Gaza and see for myself the effects of the settlements. It is humbling to stand on the Mount of Olives and look down at what ought to be the famous, historic road to Jericho, with the hills and the descending road all the way to the Dead sea. Now all that can be seen are settlements—massive settlements with all the arrogance of an occupying power—of huge, red-roofed, red buildings and special settler roads leading from one to the other. As my hon. Friend the Member for Battersea (Martin Linton) pointed out, around each settlement are preserved areas of land for them to expand further.

Then one looks across to the Palestinian towns and villages. Many of the buildings have been destroyed by Israeli military action or physically depopulated, the people having been moved away. Unemployment and poverty are rife—and anger very rife—in those remaining Palestinian villages. An apartheid state is developing on the west bank with the settlements, specialist roads between them and checkpoints for Palestinians travelling around—to the extent that a journey that I made from Jericho to Jerusalem took six hours, by a series of buses and taxis, because of the number of roadblocks, closed crossings and all the rest of it. And I am relatively well treated, because I am not a Palestinian. Then one observes the daily abuse and humiliation of ordinary Palestinian people—workers tired after a whole day's work in the field or somewhere else being made to wait for hours at checkpoints, because a settlement has been built alongside and Israel claims that its "security" is at risk without this process.

The world cannot stand by and treat Israel as a normal state and say that it is a normal participant in international affairs. It is not! It illegally occupies a large amount of Palestinian land, holds nuclear weapons but has not signed up to any relevant convention, and is flouting the 2004 International Court of Justice judgment concerning the legality of those settlements. Goods are produced on those settlements that masquerade as Israeli goods and are sold on the international market. Water is taken from Palestinian farmers by the presence of those Israeli settlements, which obviously creates poverty and problems for Palestinian farmers and causes massive ecological damage. The beautiful plain area outside Jericho, just north of the Dead sea, is now covered in glasshouses built by Israeli settlers to produce goods, such as tomatoes and other fruits and vegetables, which are then sold on the international market. The water abstraction from the River Jordan, mostly by Israel—and to some extent by Jordan—means that the Dead sea is disappearing at a rate of between 1 m and 3 m every year. In our lifetime, the Dead sea will be gone—it will be finished.

What do we do about this? Do we stand back and treat Israel as a normal country, or do we take sanctions against it? If any other country in the world behaved like Israel—in a wholly illegal and abusive manner towards the people whom it occupies—it would face international sanction. I support the point made by my hon. Friend the Member for Battersea, therefore, that we should not be buying goods produced in the settlements. We should be imposing economic and military sanctions against Israel. I am not arguing for military action, but for military sanctions, such as the non-supply of weapons and parts for those weapons, a boycott of Israeli trade and, in the European setting, a suspension of the EU-Israel trade agreement—not just the non-extension to elevated status, but suspension of the existing agreement, because Israel is clearly in breach of the human rights clauses in that agreement.

It is up to us, as a Security Council member, a very important member of the United Nations and a very significant past trading partner of Israel, to say, "Enough is enough. We are not prepared to tolerate this. You behave illegally. You illegally occupy land and flout international law—consequences follow!" I would love to hear a British Minister send the message, once and for all and loud and clear, that that is this country's position on this illegal activity.

10.25 am

Mr. Eric Joyce (Falkirk) (Lab): I congratulate my hon. Friend the Member for Wolverhampton, South-West (Rob Marris) on securing this debate. The debate is timely in the light of President Obama's intention to achieve a freeze on settlement development, which has been referred to already, and Netanyahu's recent comments, which have been heavily caveated, but which are a general step in the right direction.

It is clear that settlement construction is not supported by anyone here, but I want to make a few remarks about some details that perhaps we have not heard about today. More often than not, we talk about settlements and settlement growth in terms of the number of people living in them. For instance, the Israeli Information Centre for Human Rights in the Occupied Territories points to the fact that 2008 saw the settler population, excluding East Jerusalem, grow by 4.7 per cent. We all hope to see the west bank form the basis of a Palestinian state, and we all accept that many of Israel's settlements sit on land that will be within that Palestinian state, but it is also important to discuss the location and geographical size of settlements.

In an interview with the Jordanian newspaper *Al-Dustour* on 25 June, senior Palestinian negotiator Saeb Erekat discussed the two-state deal that former Israeli Prime Minister Ehud Olmert had offered Palestinian President Mahmoud Abbas last September. Their lengthy discussions focused unsurprisingly on the issue of land and the proportion of the west bank taken up by Israel's settlements. According to Erekat, Abbas calculated this to be 1.2 per cent. Others put the figure, when one includes empty land around the settlements where Palestinian construction

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is restricted, at about 3 per cent. Either way, although we all accept that the current system of settler-only roads that surround the settlements unjustly restricts the movement of Palestinians, and so increases the effective size of the settlements, if we are talking about drawing the borders of a two-state solution, 3 per cent. is a relatively small number that can be compensated for in land-swap deals.

It has been widely accepted, since the Oslo accords were signed in 1993, that some settlements will remain in Israel in exchange for ceding Israeli land to the Palestinians. Although we know that Olmert and Abbas failed to come to a final agreement over a two-state solution, it is useful to see how the issue of land swaps was dealt with. Olmert reportedly offered Abbas territory equal in size to 100 per cent. of the land occupied in 1967 by means of a land swap. Olmert proposed that the Palestinians establish their state on 93.5 per cent. of the west bank, receiving another 5.8 per cent. through a land-exchange deal with Israel. The rest was offered in the form of a safe-passage corridor from the west bank to the Gaza strip. Olmert's plan left the major settlement blocs of Ma'ale Adumim, Ariel and Gush Etzion in Israel's control, in exchange for the southern Hebron hills—colleagues will be aware of this—the Judean hills and the Beit She'an valley. I understand that that was turned down—Saeb Erekat appears to confirm this—on the basis that previous offers, made at Camp David for example, had been much better. They thought, "Why take this deal now?" I am not here to pass judgment on what is essentially history, but I think that that is significant.

The Annapolis process was certainly not perfect, but through it, as it turns out, Olmert and Abbas made a lot of progress, although they did, of course, fail to sign a deal. Israel and the Palestinians cannot be allowed to come this close and fail again. The international community therefore needs to be much clearer about what it expects to see from negotiations. In my view, a deal that allows Israel to keep major settlement blocs, situated just beyond the 1967 green line and that compensates the Palestinians with land swaps is a good deal. It would reduce the disruption to normal life that any major settlement evacuation would cause and give the Palestinians the quantity of land that they deserve.

Accepting that position, however, calls into question some of the more rigid approaches to Israeli settlements. A freeze in settlement construction, which we and the US Government want, is a good way of engendering trust. At the moment, Netanyahu is offering a freeze on all settlement activity, bar that in Jerusalem and that which is based on natural growth—by that I mean activity which occurs within the natural parameters of existing settlements. No one here doubts that Netanyahu has to go a great deal further. If he does not, the international community will continue to believe that the expansion of Jewish communities in East Jerusalem counts as settlement construction. This is an issue on which we must continue to press him.

In conclusion, I agree with the Government's position on pushing for a freeze on settlement activity. However, we should also call for a temporary freeze on natural growth, because that would go some way towards enabling the peace talks to restart.

10.30 am

Jo Swinson (East Dunbartonshire) (LD): I congratulate the hon. Member for Wolverhampton, South-West (Rob Marris) on securing this interesting debate. It is always pleasing when there is a good turnout of hon. Members because we get a wide range of contributions, even if that means that those contributions are fairly brief. No doubt we could have debated this issue for many hours and still found interesting points of discussion.

I should like to preface my remarks by putting it on the record that I support the two-state solution in Israel and Palestine. I should also like to remind hon. Members that over the many years of this conflict there have been crimes, abuses and breaches of trust on both sides. There are other debates, motions and opportunities in this House for us to discuss the rocket attacks and the suicide bombings against Israel or the continuing detention of the hostage Gilad Shalit. Today, however, we are debating settlements, which is a central aspect of the conflict and could be the key to unlocking a peace deal.

We have heard about the massive growth in the numbers of settlers. In 1972 there were 10,500 settlers and now there are some 480,000. The hon. Member for Battersea (Martin Linton) said that since the Oslo accords in 1993, the number has more than doubled. The hon. Member for Wolverhampton, South-West interestingly pointed out that we use the pleasant and homely word "settlements", but that the word "colonies" is perhaps a more accurate description of the dwellings and towns.

The whole House will have welcomed the movement in the US position towards engaging with the middle east and putting the region at the heart of its foreign policy. I welcome the robust line on the settlement freeze that we have been hearing from President Obama and Hillary Clinton. However, a freeze on settlements has to be the absolute minimum for starting the negotiations. Let us be clear: the settlements are illegal, and if we are to have any prospect of peace in the middle east, they have to go. A freeze is just the starting point; ultimately, the settlements will have to be dismantled.

My hon. Friend the Member for Oxford, West and Abingdon (Dr. Harris) was very prescient when he said that the settlements are not in Israel's interests. He said that they were counter-productive and made security more difficult, which is an important point for us to remember in this debate.

Benjamin Netanyahu's recent speech was disappointing. Although he spoke through gritted teeth about the need for a two-state solution, he also talked about the natural growth in settlements. Last month, we heard that Israel plans to build dozens of new homes in Adam, which is deeply worrying. In recognising the importance of Israel and Palestine living side by side in peace, security and, in his words, prosperity, Netanyahu totally fails to see the huge negative impact on economic development and prosperity that such settlements have on the west bank. In fact, they threaten the very viability of a Palestinian state.

Dr. Brian Iddon (Bolton, South-East) (Lab): Does the hon. Lady not think that the Prime Minister of Israel is in a very difficult position when his own Foreign Minister is an illegal settler on the west bank?

Jo Swinson: The hon. Gentleman makes a very good point. Of course, he is in a difficult position because there are many differing views and constituencies of opinion that he has to balance. However, dealing with the settlements has to be in Israel's self-interest, and that political reality cannot be lost on the Prime Minister.

The west bank has been sliced, diced and carved up as part of a deliberate strategy, and the settlements have been part of the tactic. We have heard about the numbers of settlements, the roads, the checkpoints, the roadblocks and the security wall. When they are overlaid on the land, we can see how impossible it is for ordinary Palestinians to go about their everyday lives in this Swiss-cheese patchwork. Settlements impact on the fabric of civil society, making trade, education and visiting family and friends incredibly difficult, and that is why they are so damaging to future peace in the region.

Natural resources are also key. The hon. Member for Wolverhampton, South-West was right to talk about the issue of water in relation to the Golan heights. When I visited Israel, I thought that the problem was all about land and ideology, but practicalities are also key. I come from the west of Scotland where access to water is not quite the same issue. However, in an arid climate such as that in the middle east, water is a key issue, and with rapidly increasing climate change, the problem will only become worse. Water is also a problem on the west bank. As the hon. Member for Islington, North (Jeremy Corbyn) pointed out, most of the water is going to the Israeli settlers' farms, which makes that land very fertile but causes havoc elsewhere in the region.

Let me turn to the products that come from the settlements. The hon. Member for Wolverhampton, South-West raised an interesting issue about the legality of collecting customs duties on the products from the illegal settlements. Unlike him, I am not a lawyer, so I await the Minister's reply to those remarks. Before the election, I was a marketing manager, so perhaps I am better placed to comment on the marketing of such products. I agree with my hon. Friend the Member for Oxford, West and Abingdon that we should have consumer information clearly marked on the products so that people know what they are buying. I know that the Government, through the EU, have made some efforts on that issue, which I support. It is very important that consumers know what they are buying and whether it has been produced by the Palestinians or produced illegally on the settlements.

We have debated whether there should be preferential trade tariffs for such products. The settlements are illegal so there should not be any preferential trade agreements. The debate must now move on to considering whether we should allow the sale of any products from the illegal settlements. There is a case for looking at whether a ban on those particular products might be considered. I am interested to hear whether the Minister has considered such a ban. I do not agree with the hon. Member for Wolverhampton, South-West that we should boycott all Israeli goods. To say the least, that would be an overreaction at this point.

In conclusion, we have debated settlements many times in the House. It is right that we should do so, but it is very sad that we have to continue to do so. I hope that the new US President's push for peace will persuade Israel to freeze and then dismantle the settlements, so that we can move towards a viable two-state solution. I urge the Minister and the Government to use all the tools at their disposal—not just words with the ambassador—to help Israel recognise that removing the settlements is in its own self-interest.

10.39 am

Mr. David Lidington (Aylesbury) (Con): Let me congratulate the hon. Member for Wolverhampton, South-West (Rob Marris) on securing this debate; it is one of those topics on which there will be a large degree of bipartisan agreement between members of different political parties. The Opposition support the Government's approach, and endorse the view of successive British Governments that the Israeli settlements are illegal. As the hon. Member for Wolverhampton, South-West reminded us, that verdict applies whether we are talking about settlements in what is commonly referred to as the west bank, or those on the Golan heights or in those areas of East Jerusalem that have been annexed by Israel, which the Israeli Government regard as part of the Israeli state.

Let us look at the history. The settlements have been declared illegal by successive resolutions of the UN Security Council, by the International Court of Justice and by contracting states to the Geneva convention. It is worth noting that when one gets into a debate with Israeli officials about the legal position, they assert that the settlements are not illegal in the absence of a treaty to govern arrangements for the administration of those territories, following the end of the British mandate. The Israelis with whom I have discussed the matter would argue that there was no definitive peace treaty in 1948, and that therefore they are not acting illegally. Against that, as long ago as 1967, the legal counsel to the Israeli Ministry of Foreign Affairs advised that civilian settlements in the administered territories contravened the explicit provisions of the fourth Geneva convention.

When one looks at how Israeli Governments have operated in practice, one can see that they have regarded the settlements as a political, rather than a legal, issue at root. After Oslo, the then Israeli Government agreed to a United States request to limit expansion to the so-called natural growth of existing settlements. In April 2003, they agreed to freeze settlements, including natural growth, as part of the road map. In recent months, the current Israeli Foreign Minister—who, as the hon. Member for Bolton, South-East (Dr. Iddon) reminded us, is a settler—has talked about the political conditions under which he would be willing to give up his home and recommend to his neighbours that they do the same.

The argument that we have heard recently from some Israeli spokesmen, which is that the settlements are needed to cope with population expansion, simply does not wash if one looks at the demographic reality. Israel's central bureau of statistics states that the population of settlements grew by 4.7 per cent. in 2008, compared with 1.6 per cent. in Israel. Forty per cent. of settlement growth was from new immigration—certainly assisted by the sort of incentives described by the hon. Member for Wolverhampton, South-West—rather than through the birth of children to families already living there.

The key to this lies in the politics rather than the law. I think everyone has recognised that no peace agreement will work if it fails to include Israeli withdrawal from

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the settlements. In my view, it is almost certain that if an agreement can be reached, it will allow some settlements to remain under Israeli sovereignty as part of an overall package that also involves land swaps. That was an element of the draft agreement being negotiated between the Olmert Government and the Palestinian Authority.

In debates such as this, we must recognise that there are genuine political problems for any Israeli Government handling this issue. First, there is the sheer number of people that we are talking about, and if we recall how traumatic and demanding of the Israel Defence Forces it was to insist on the removal of settlements from Gaza, that should remind us of the scale of the challenge involved in requiring the evacuation of many thousands of people from settlements in the west bank.

Secondly, there is the Israeli experience of Gaza. The fact that withdrawal from the settlements led not to an enduring peace in the south but to rocket attacks from the Gaza strip, has led not only traditional hawks, but many people in the Knesset and among the Israeli electorate who still think of themselves as advocates for peace, to be sceptical about the value of early withdrawal from existing Israeli settlements. United Nations resolutions and the various peace agreements that have been reached in the past, insist on Israeli withdrawal from settlements. However, that is seen as one element in a broader package including, most obviously, the cessation of all violent attacks on Israel, and the recognition of Israel by its neighbours.

The key message from any British Government to Israeli leaders should be that they should not underestimate the damage—the severe damage—that their settlement policy is doing to the standing of those Palestinian leaders who genuinely want a negotiated peace. I was struck by one passage in President Obama's Cairo speech, where he drew an analogy between the Palestinian experience and that of African Americans during the era of segregation. As several hon. Members have pointed out, the experience not only of settlements, but of the expropriation of property, segregated roadways, checkpoints and security arrangements that are in place to protect Israeli settlements, can only add to a sense of grievance and alienation among ordinary Palestinians and, above all, among young Palestinians who make up 60 per cent. or more of the population of the occupied territories.

Unless the Israeli Government face up to that reality, they will find that more and more young Palestinians give up on the idea of a two-state solution. I speak from anecdotal evidence, but I have been alarmed by the number of Palestinians who say openly that they will give up on a two-state solution and wait, as they believe, for demographic trends to do the work until the day when there is an Arab majority in the territories now occupied by Israel and the occupied Palestinian territories.

Mr. Slaughter: The subject of the debate is Government policy. No doubt the hon. Gentleman aspires to be in the Government. Given the failure of Government policy, and that of previous Governments, which has seen an almost 40 per cent. expansion in the number of settlers in the west bank over the last six years, what would he like to see the Government do in order to address the problem?

Mr. Lidington: The hon. Gentleman anticipates what I was coming on to. The policy of the British Government has to be set in the context of overall international efforts to bring about an enduring peace in the middle east. We must start by asking ourselves what is going to work. For example, I do not believe that a general boycott of Israeli goods and services will somehow lead to an Israeli Government who are more amenable to peace initiatives, and I ask the Minister to state clearly the Government's position on the question of food labelling, and whether that needs to be addressed at EU or national level. Will further development of the EU-Israel association agreement, and trade agreements between the EU and Israel, be related to progress on the issue of self-government for the Palestinians, in particular progress on the issue of settlements?

Richard Burden (Birmingham, Northfield) (Lab): Will the hon. Gentleman give way?

Mr. Lidington: If the hon. Gentleman will forgive me, I will not. I want to give the Minister time to respond to the debate.

The key starting point now would be to persuade the Israeli Government to initiate another freeze on further expansion of existing settlements. That would give the Palestinians a reason to return to serious talks, no matter how difficult it might be given the state of play among the Israeli and Palestinian authorities at the moment. It is very much in our national interest for those talks to resume.

10.50 am

The Minister of State, Foreign and Commonwealth Office (Mr. Ivan Lewis): I congratulate my hon. Friend the Member for Wolverhampton, South-West (Rob Marris) on securing this important debate. As he and other hon. Members are perfectly well aware, the middle east peace process remains a top priority for this Government. We remain committed to a comprehensive peace in the middle east, based on a two-state solution and a secure Israel alongside a viable Palestinian state.

Hon. Members will also be aware that the central tenet of the UK Government's policy towards settlement building in the occupied Palestinian territories has long been clear. Settlements are illegal and construction should be frozen as a matter of urgency, in line with Israel's commitments to do so in the 2003 road map. That is why we strongly welcomed President Obama's Cairo speech and strongly support the new, clear US policy on freezing all settlement activity.

I welcome this opportunity to expand on the Government's policy. It is important to set out why I believe that continued settlement construction remains an impediment to peace. By changing the physical facts on the ground, Israeli settlement construction unilaterally prejudices the outcome of any final peace solution. Moreover, continued construction threatens the geographic possibility of a contiguous Palestinian state. The UK Government remain firmly of the view that a two-state solution provides the greatest prospect of peace and security for Israelis and Palestinians, so the damage done to that prospect by settlements causes us grave concern.

As hon. Members have said, the day-to-day physical impact of settlement building has a heavy cost on the Palestinian people. Elements of the Israeli settler movement

exacerbate tension. Road and security infrastructure to protect settlements curves through the west bank and severely restricts Palestinians' movement and access. Although we welcome recent positive Israeli steps to alleviate some of the restrictions, much further progress is required. The symbolic impact of settlements is arguably as damaging as the physical impact. Continued settlement expansion sends an extremely negative message to the Palestinians that resonates around the wider Arab world. It continues to raise questions about the feasibility of a successful and lasting peace.

The UK has long made our opposition to settlements clear. We have pressed the Israeli Government continually at the highest level on the importance of fulfilling road map commitments: Israel should freeze all settlement activity, including the natural growth of existing settlements, and dismantle all outposts erected since March 2001. Our Prime Minister made the UK policy on settlement activity clear in his historic speech to the Knesset in July 2008, and my right hon. Friend the Foreign Secretary has reiterated that position frequently.

A number of questions have been asked during this debate. My hon. Friend the Member for Wolverhampton, South-West raised the question of the barrier. The first point to make about the barrier is that we recognise Israel's right to self-defence and to protect its citizens by constructing the barrier. However, the barrier must be built exclusively on Israeli territory. As Israeli courts have ruled frequently, any part of the barrier that is not on Israeli territory is simply illegal.

My hon. Friend not only discussed advocating a freeze on settlements but believes that our policy should be to evacuate all settlements. We feel that that pre-judges what we believe will be at the heart of final status negotiations: an agreement on the respective borders of both states. That is why we confine our policy at the moment to the freezing of all settlement activities. He also asked about the lower tariffs under the EU-Israel Association agreement and wants to ensure that they do not apply to goods exported from the settlements. I assure him that they most definitely do not. Moreover, Her Majesty's Revenue and Customs is proactive in ensuring that tariffs are applied correctly in accordance with the agreement.

My hon. Friend asked why this country does not ban all goods from the settlements. We believe that that would raise a number of significant legal issues in relation to our European Community and international law obligations. Therefore, we do not believe that that is viable at the present time.

Jeremy Corbyn: Will the Minister give way?

Mr. Lewis: No, I do not have enough time.

My hon. Friend the Member for Wolverhampton, South-West also asked whether the UK has obtained a legal position on the legality or otherwise of such imports. Although we cannot disclose legal advice, Her Majesty's Government believe, based on the legal assessment, that such imports are not actually prohibited in UK law. He and other hon. Members suggested that there should be a ban on all Israeli imports, and he suggested in addition that this country should embark on an arms embargo. We disagree strongly with those two positions. The Government's position is to oppose a trade boycott or any other form of boycott against the state of Israel, and we are opposed to an arms embargo. We do not believe that either of those measures would progress the course of peace in any way at this stage.

I believe that I have dealt comprehensively with the crucial questions raised during this debate, but it is only right that we place this debate about settlements in the context of the overall situation. Other issues must be dealt with. It is essential that the Palestinian Authority develop their capacity to govern, with institutions that serve the needs of their people. Hamas must put an end to violence, recognise past agreements and recognise Israel. Its behaviour—firing rockets at Israel, attacking rival political parties, smuggling arms, holding Gilad Shalit in captivity—demonstrates, sadly, that it is neither a partner in peace nor a constructive force in building a Palestinian state. At the same time, we make it clear that the Israeli Government must ease restrictions on the Gaza border and allow an immediate increase in the flow of essential aid and reconstruction materials into Gaza, as well as the legitimate flow of trade, goods and people.

We encourage partners from the Arab world to demonstrate readiness to increase recognition of Israel and move towards a normalisation of relations as envisaged in the very welcome Arab peace initiative. On that basis, I welcome the views of His Highness the Crown Prince of Bahrain on taking the Arab peace initiative forward, which he articulated in the *Washington Post* on 16 July. That is exactly the sort of positive engagement that we believe will help lead to peace in the middle east. It is vital that all Arab states demonstrate both their commitment to dialogue and peaceful relations and their willingness to respond positively to significant Israeli action to freeze settlement activity.

As His Highness noted, now is the time to take "simultaneous, good-faith action". The point will come when the Israeli Government respond positively to the clear statement of policy articulated by this Government and, for the first time, by the US in President Obama's speech in Cairo. It is our intention to continue to work with regional partners and with the US and EU to make progress and move from rhetoric to reality.

I will be visiting the occupied Palestinian territories and Israel during the parliamentary recess. I want to learn at first hand about the realities facing the Israeli Government, the Palestinian Authority and the Israeli and Palestinian people, and I want to ensure that the United Kingdom plays a crucial role in pushing forward the peace process that is so crucial to peace and stability throughout the world.

European Union

10.59 am

Daniel Kawczynski (Shrewsbury and Atcham) (Con): I was deeply concerned when Baroness Kinnock was appointed Minister for Europe, because I feel passionately about our relationship with the European Union. It is pivotal to that relationship that there is more accountability to parliamentarians in the House of Commons on this issue. It is deeply regrettable that Baroness Kinnock was made a peer and that she sits in the other House.

One of Baroness Kinnock's first acts on being appointed was to state that the Government would support Mr. Blair's candidature for the European Union presidency, should the new constitution and that position come into being. Mr. Blair's father lives in my constituency, so I had a good relationship with Mr. Blair and gained a certain amount of access to him, which cannot be said of the current Prime Minister. However, he is the wrong man for the job.

David Taylor (North-West Leicestershire) (Lab/Co-op): I know the hon. Gentleman well from our days on the Environment, Food and Rural Affairs Committee and respect him greatly. He criticises our promotion of matters European in the Houses of Parliament, but does he not think that the group that his party has joined in Europe is the most extraordinary mix of oddballs, malcontents, misfits, flat-earthers and unregenerate nationalist bigots? Is that not a fair and even-tempered description? Perhaps he should justify what his party has been doing in Europe since 4 June.

Daniel Kawczynski: I wondered when that matter would be raised. That comment crystallises for me the sheer arrogance of this new Labour Government and the Prime Minister; it is the arrogance of power. The hon. Gentleman must not forget that the oddballs to whom he refers are people who represent parties that have been elected democratically by the people of sovereign nation states. If any political party dares to have even a scintilla of thought or opinion that differs from the great Labour policies, it is described as containing oddballs and nutters. That is bad for the democratic process.

David Taylor: The hon. Gentleman has talked about democracy and accountability, but is not Labour the only party that has ever provided such things on European matters? At about the time of the hon. Gentleman's third birthday on 24 June 1975 Harold Wilson gave us a referendum on how Ted Heath had bulldozed us into Europe. I voted against at that time and have remained sceptical ever since. Is it not the Labour party to which people should look if they wish to embrace accountability and democracy?

Daniel Kawczynski: It was good of the hon. Gentleman to try to find out when my birthday is. I was actually born on 24 January.

David Taylor: I said the 24th.

Daniel Kawczynski: The hon. Gentleman said June, but let us not get into a debate about when my birthday is. I was born on 24 January 1972, which is the day on which Ted Heath signed the document to take us into Europe. I will come on to that later.

Let me finish my important point about Mr. Blair. We need only look at what he did in this Parliament to see why he is the wrong choice for that position. He neutered this place by using the Whips to railroad through huge, poorly thought out constitutional legislation, and he used his position to go to war against the express wish of millions of British citizens. In my view, he is quite simply the wrong person to bring greater transparency and accountability to Europe.

My hon. Friend the Member for Rayleigh (Mr. Francois) is a brilliant negotiator, whom I have seen in action in Europe. I hope that he will guarantee that when he becomes a Foreign Office Minister—that will be sooner than the Minister thinks—the Conservative Government will veto Mr. Blair's candidature to be President of the European Union.

Mr. Edward Davey (Kingston and Surbiton) (LD): I have a question to make the hon. Gentleman feel relaxed, comfortable and content. Does he think that any other member states would support the candidature of Tony Blair and, if so, will he name them?

Daniel Kawczynski: The honest answer is that I do not know. As somebody who feels passionately about this country and its position in Europe, it pains me greatly that I would prefer somebody from another country to be President than a former British Prime Minister. However, I believe that Mr. Blair's outrageous conduct in Parliament and his lack of regard for democracy should prevent him from becoming President.

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Chris Bryant): Who is the hon. Gentleman's preferred candidate?

Daniel Kawczynski: We do not yet know who the candidates will be.

Our relationship with the European Union is under threat from the Prime Minister's conduct towards other Heads of State. I hope that the Foreign Office officials are listening carefully. I have spoken to many foreign officials who say that he looks bored at European Union meetings, treats Heads of State with disdain and does not follow basic diplomatic protocol.

I will take as an example Iceland, which is not yet a member of the European Union, but which has expressed a desire to join in its Parliament. During the Icelandic banking crisis, the Prime Minister and the Government used counter-terrorism legislation to seize the assets of Icelandic banks. I will never forget his language during an interview on Sky News because it was the most undiplomatic that I have ever heard. The rudeness, disdain and contempt with which he treated Iceland and the Icelandic people were disgraceful. I will not go into detail, but I have a copy of that interview if hon. Members wish to see it. I hope that people will look at it again, because it was unacceptable.

Following the interview, I had discussions with the Icelandic ambassador and friends of mine who are Icelandic politicians and leading members of Icelandic society. They were traumatised by our Prime Minister's conduct towards them. Nothing has done more damage to our relationship with Iceland. I hope that the Minister will apologise for the Prime Minister's behaviour and that he will do everything possible to support Iceland as

it tries to enter the European Union. We must show support to this vital NATO ally and neighbour and be its champion, so that we can repair that relationship.

From the perspective of the British people and my constituents in Shrewsbury, the Labour Government have put our relationship with the European Union into the deep freeze by refusing to give the British people a referendum on the constitution. In this Chamber, we have debated many times the necessity for our citizens to be granted an opportunity to cast their vote on this vital issue. The French and the Dutch people have had their opportunity to reject the treaty. The treaty of Lisbon, which has come into being as a result of that rejection, is, by the way, a carbon copy of the original constitution, according to Monsieur Valéry Giscard d'Estaing and many other prominent European politicians and former politicians. It is interesting that every time the people of any European country have been given an opportunity to have their say on the constitution in a referendum they have rejected it—for example, the French, the Dutch and the Irish.

Chris Bryant: The hon. Gentleman is simply wrong. The Spaniards were the first to have a referendum and there was an overwhelming majority in favour. He should get his facts right.

Daniel Kawczynski *rose—*

Mr. Mark Francois (Rayleigh) (Con): What about the other three?

Daniel Kawczynski: Yes, what about the other three? The Minister is saying that only one country out of 27 has had a referendum in which the people have been in favour.

Mr. Nigel Evans (Ribble Valley) (Con): My hon. Friend clearly does not get it. The Spanish got it right; the other three countries got it wrong. When is he going to understand that?

Daniel Kawczynski: A point very well made—I thank my hon. Friend.

Mr. Stephen Crabb (Preseli Pembrokeshire) (Con): Surely the central point is that the promise of a referendum that was given to the British people was a Labour party manifesto commitment. What does that say about the Government's attitude to their manifesto commitments, and how should the British people respond to their manifesto at the next general election?

Daniel Kawczynski: I totally agree with my hon. Friend: what has happened is a huge snub to the British people and is a trashing of the Government's policy statements that were made in the run-up to the last election. That is part of the reason why there is so much cynicism towards politicians in this country.

Getting back to my date of birth, I do not know how old the Minister is, but I am 37, so, as the hon. Member for North-West Leicestershire (David Taylor) has rightly identified, I was three years old when we had the referendum in 1975. This issue is extremely important to me, because millions of people in the United Kingdom who are in their 20s, 30s and 40s have, like me, never been consulted on not just the relationship, but the ever-changing relationship that this country has been through with the European Community, the then European Economic Community and now the European Union. There has been no consultation at all for the British people.

Mr. Davey: I am following the hon. Gentleman's comments with great interest. If there were a referendum on whether Britain should be a member of the European Union, how would he vote?

Daniel Kawczynski: I personally would vote for continued membership of the European Union, which I will come on to later in my speech. It is very important that we have a referendum to give the British people their say and to give me the opportunity to campaign in favour of our continued membership of the EU. As my hon. Friend the Member for Preseli Pembrokeshire (Mr. Crabb) has said, however, the Government's broken promises and the lack of a referendum mean it is very difficult to sell European Union membership to our constituents.

I find it staggering that the Home Secretary, who is obviously a very busy man at the moment, has time to write articles in newspapers demanding that a referendum on a new voting system is held at the same time as the next general election. He wants a form of proportional representation and is demanding a referendum on that at the next election. However, he refuses to allow the British people a referendum on this vital issue. What is more—the Minister may contradict me on this point—the Home Secretary said in his article in *The Independent* that the Prime Minister has given him an assurance that he has not discounted such a referendum on a change to the voting system being held on the same day as the next general election. When I think of all the problems facing this country at the moment, I find that absolutely scandalous. I must declare an interest because I am chairman of the all-party group on the continuation of first past the post, about which I feel passionately. I find it absolutely staggering that the Government are talking about a change to the voting system and yet refusing to allow the British people to have a referendum on this constitution.

In the recent EU elections, we have seen the challenges that we face in our relationship with the EU. As we in this Chamber all know, across the whole of the country, the UK Independence party did much better than the Labour party and, in my own neck of the woods in Shropshire, UKIP outstripped the Labour vote by even more. UKIP is a party that wants to pull out of the European Union, which I am passionately against. It worries me greatly that so many British people want to vote for a party that will pull us out of the entire thing. I am making the point that it is so important to have a referendum on the constitution, because it adds a huge amount of power and succour to UKIP if the British people are refused that referendum.

Mr. Nigel Dodds (Belfast, North) (DUP): I congratulate the hon. Gentleman on securing this important debate. He makes a good point about the necessity of having a referendum; I totally agree with him on that. Will he go further and say that if second time around, in October, the Irish vote in favour of the Lisbon treaty, this country should still have a referendum on whether it should subscribe to the treaty?

Daniel Kawczynski: There are hypothetical—*[Interruption.]* Let me answer the question. There are hypothetical things that we could consider—*[Interruption.]* They are hypothetical, because they have not occurred yet. As I will discuss in a second, the Polish President has not ratified the treaty and neither has the Czech President. Of course, if all those ratifications take place, there will be people like me in the Conservative party who will try to encourage my party to have a referendum. I cannot give the hon. Gentleman a guarantee that that will happen because I am a Back Bencher and do not make such decisions. However, I feel passionately about the matter, and others and I will, of course, try to lobby the Conservative Government on that point.

I will just talk a little bit about the Members of the European Parliament, because they are a very important direct link with British citizens and our relationship with the European Union. Over the past four years, I have repeatedly spoken to organisations throughout my constituency. I have addressed rooms of 300, 400 or 500 people and said, "I will give anyone here £100 if you can name me two of our Members of the European Parliament." I have not lost a penny to date. Why? Because no one knows who the Members of the European Parliament are in Shropshire. Why is that? Because none of them lives, works or has offices in Shropshire. There is no accountability. I consider it to be very important that I live in the county that I represent, that my office is in Shrewsbury, that my child goes to the local school, that I am part of the community and that people can stop me in the street or the supermarket and talk to me. It is very important for there to be that accountability.

If we are going to have a better relationship with the European Union, we have to make Members of the European Parliament more directly accountable to the people whom they represent. However, that should not be done through a proportional representation system whereby Members of the European Parliament represent a vast area. From an economic perspective, the west midlands is larger than the whole of Wales. That is a huge area. How on earth can someone represent an area of that size and yet still be accountable to the people of Shropshire?

I want to mention my hon. Friend the Member for Ribble Valley (Mr. Evans), who I think will also make a speech, because he is an assiduous member of the Council of Europe. On the record, I thank him for the tremendous work that he does for that organisation. He has asked me—he is pushing against an open door on this, because I totally agree with him—to formally thank the Czech President for not signing the treaty into existence. I have written an open letter in Polish to the Polish President asking him not to sign the document. For the record, I wish to state that those two politicians are being put under a huge amount of pressure by the Germans and the French to ratify the constitution, because they are desperate for that to be done before a Conservative Government come into office and give a referendum to the British people. So, on the record, and with all the sincerity that I can muster, I thank the Presidents of the Czech Republic and the Republic of Poland for the courage and integrity that they have shown under intense pressure—almost blackmail—to ratify the treaty. I thank them very much, and I am sure that my hon. Friend the Member for Rayleigh will also discuss this issue. We need them to hold out until we get into office and can hold a referendum.

Returning to the point that the hon. Member for Kingston and Surbiton (Mr. Davey) made, the reason why UKIP is wrong is that we have a golden opportunity to change the European Union, whereas it simply wants to pull us out of the entire thing. What a squandered opportunity that would be. I do not want to pull out of the European Union; I want to change it and to challenge the Franco-German hegemony that has been prevalent in the past 40 years. The Franco-German axis has come up with all the strategies and direction of the European Union, but that will be challenged for the first time in our lifetimes, because so many central and eastern European countries are looking to the United Kingdom for leadership. If I were to take you to Warsaw, Mr. Amess, or to Prague, Bucharest or downtown Vilnius, you would see that they look not to Germany for leadership but to the United Kingdom. The British nature is to hide our strength under a bushel, because we are modest people, but the people of eastern and central Europe feel passionately about Britain and the role that it should play in the EU. They want us to form a coalition of support and they want a new European Union that is not federalist, that works closely on counter-terrorism, tackling poverty abroad and illegal immigration, but that nevertheless focuses on ensuring that each country has its own sovereignty.

We must make countries adhere to the rules of the EU. That is another bone of contention for our constituents, as we gold-plate everything that comes out of Brussels. As chairman of the all-party group on dairy farmers, which is one of the largest all-party groups in the House of Commons—I am getting through all my all-party groups today—I must say that the rules on nitrates and other things that are being brought to bear are destroying our dairy sector in the UK. We are gold-plating those rules, whereas some other countries simply ignore them. A specific case in point is the Italian Government's announcement that they will give $250 million per annum in aid to Libya for the next 20 years. That aid is for road, railway and other major infrastructure construction projects in Libya.

David Taylor: It seems that some of the flaws that the hon. Gentleman is discussing can be addressed only by renegotiating our membership of the European Union. On 2 June, the fabled Jeremy Paxman asked the right hon. Member for Richmond, Yorks (Mr. Hague), who was in the studio with him, "Would you renegotiate our membership of the European Union?" to which he replied, "No." Is the hon. Gentleman encouraged by that comment from someone whom he hopes will be the future Foreign Secretary?

Daniel Kawczynski: The whole nature of governance is through in-depth negotiations of the sort that take place all the time at regional conferences. I am sure that when my right hon. Friend becomes Foreign Secretary, he will want to negotiate with his counterparts in his own brilliant way to get a European Union that is more akin to the thinking of the British people. I do not understand what the hon. Gentleman is saying, because I know how passionately my right hon. Friend wants a change to the current situation in the European Union.

To get back to my point, why can the Italians give $250 million a year to Libya in tied aid? That cannot be right. I do not believe that European Union countries should do or are allowed to do that; it certainly goes against the spirit of the EU rules. I hope that the Minister will write to me on that, and that he will challenge the Italian authorities about giving that money to Libya in tied aid. As chairman of the all-party group on Libya, and as someone who is passionate about helping British companies to secure infrastructure construction projects, I strongly hope that the Minister will address that issue, because British companies are losing out on vital construction projects.

Mr. Crabb: My hon. Friend makes a good point about Italian practices on overseas aid. Does he share my concern about the Labour party's great friend and ally in Italy, Silvio Berlusconi, reneging on his commitment to give 0.7 per cent. of gross domestic product in overseas development assistance by 2013?

Daniel Kawczynski: I do, very much. We are all under huge pressure because of the current economic crisis, but this country and all political parties have adhered to the targets, so I strongly regret that Signor Berlusconi finds it impossible to match such targets.

The EU relationship can be strengthened only if it tackles issues of concern, one of which is illegal immigration from Africa. I recently secured a debate in this Chamber on the Department for International Development's support for north African countries. It transpired that DFID gives not a penny piece to vitally strategic countries in north Africa, who are neighbours of huge importance. Conversely, the Americans, who realise the importance of Egypt, give them $1.5 billion a year in aid, but we give them nothing. Those countries are grappling with counter-terrorism issues—a British citizen was recently shot dead by al-Qaeda in Mali—and they are dealing with illegal immigration and the tremendous suffering that happens as a result. We see many times on our televisions and in our newspapers the tremendous human suffering of people who cross the Mediterranean in boats to the Canary Islands, Italy, Lampedusa and Malta. The European Union needs to do more to help north African countries deal with the human tragedy that is illegal immigration from north Africa. I hope to hear more from the Minister about what is happening on that issue.

The right to self-determination is something that I feel passionately about as someone who has Polish ancestry. My grandfather's country did not have self-determination for the whole of his life. Self-determination is one of the issues that drives me more than any other in politics, which is why I want to speak briefly about Gibraltar. We want no more talk of Anglo-Spanish co-operation over any changes to the status of Gibraltar. I hope that when my hon. Friend the Member for Rayleigh becomes a Minister, we can give Gibraltar an assurance that it will always be British and that we are proud to have it as part of our family. I hope also that the next Conservative Government will encourage more visits and more royal visits to Gibraltar. I know that my hon. Friend campaigned in Gibraltar during the European Union elections; from what I hear, he went down extremely well there and they were grateful that he went. I wanted to get on the record my thanks to him for that, as well as my great love for the people of Gibraltar.

Finally—because I vowed that I would not speak for more than 30 minutes—let me discuss Turkey. It has been in a crazy situation for decades regarding whether it will join the EU. I want to ask the Minister about the current status of its application to be a member of the EU. What is his understanding of the time frames involved, and what is he doing specifically to support its joining the EU? Turkey is an important NATO ally, and I, for one, feel uncomfortable about the lack of clarity about its membership of the EU.

I have friends in Ankara who say, "Frankly, we are not actually interested any more. We've had enough. We're going to pull the plug on this and go our own way." People may say what they like about Turkey's membership of the EU, but I worry about a situation in which Turkey is pulled closer to Syria and Iran. I very much hope that it will remain within the European sphere of influence, and that the Minister will give me an update on what is happening with its membership of the EU.

I thank you, Mr. Amess, for this opportunity, and I look forward to hearing what the Minister will say.

11.31 am

Mr. Nigel Evans (Ribble Valley) (Con): This is a great opportunity for me to contribute to this important debate on the last day before the recess, when—to get the record straight—we go into 82 days of working in our constituencies.

I had rather hoped that, following my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski), I would be able to tell him that I could name two of his MEPs and claim the £100. However, even by cheating and using the Blackberry to ask my researchers to come up with the names, I cannot do so. Even using the internet, we are hard pushed to name the MEPs from his area. I find it much the same when I ask people in the north-west of England to name their MEPs. Many can name their MPs, but, going down a list of seven or eight MEPs, they find it difficult to name just one of them. I appreciated his comments.

Mr. Mark Hendrick (Preston) (Lab/Co-op): Will the hon. Gentleman give way?

Mr. Evans: I give way to my honourable neighbour.

Mr. Hendrick: Can the hon. Gentleman name one of his former MEPs?

Mr. Evans: That is the kind of question that could, perhaps, rebound on the hon. Gentleman after the general election. If I were to ask him to name some former MPs, the list would be somewhat longer than the list he is asking me to choose from at this moment.

Like my hon. Friend the Member for Shrewsbury and Atcham, I am a democrat, and I am concerned that the turnout for the European elections we have just gone through was lower than the turnout for the previous elections and the time before that. In 1979, the turnout was 63 per cent. for the whole of Europe; in 2009, it was 43 per cent. People say that it is just Britain that is Eurosceptic and therefore not interested in what happens in the European Union, but those figures prove that the whole of Europe feels somewhat remote from the institutions that act on its behalf.

[Mr. Evans]

In the United Kingdom, the turnout was even more worrying, at 34.3 per cent. Two thirds of the country had something more important to do on the day of the European elections, even though we have made it far easier for them to vote. In the UK, 11 million people voted in the European elections. In 2002, 23 million voted in "Big Brother". More people in Britain are more interested in what happens on "Big Brother" than in the Big Brother state in Brussels, which actually has more say on how they lead their lives.

I am a democrat; therefore, I am concerned about what is happening in the EU and, indeed, in the UK. My hon. Friend mentioned the referendum on the Lisbon treaty. Tony Blair said that we would have one, but, in his dying days as Prime Minister, he said, "By the way, there will not be a referendum." That is one of the greatest denials of democracy that I have seen in this country in the 51 years I have been alive. Everyone knows that the Lisbon treaty is exactly the same as the constitution, apart from one or two words. The French, the Dutch and the Irish said no to it. I am staggered that the French were told that they could not have another vote, and the Dutch "no" was also ignored.

Ireland keeps getting it wrong. I do not know what is wrong with it. It did the same in respect of the Nice treaty, but, fortunately, had another go and got it right that time—as far as Brussels was concerned. If I were Irish, I would feel somewhat aggrieved that my voice in a referendum is being ignored. We hear the great democrats of Europe ask, "Why should one country be able to block this treaty when the other 26 wish it to go ahead?" That is the system. They need unanimity of the 27 countries. They should not try to change the rules simply because one country is deemed to have got it wrong.

I must point out that I used a bit of irony when I intervened on my hon. Friend earlier, just in case someone thinks that I actually believed what I said about three countries getting it wrong and one country getting it right. I actually think that the referendum in Ireland was poignant. I hope that when the Irish are forced to have another referendum—I believe that it will be on 2 October—they will stand firm and vote as they did last time. They will be doing not only themselves but democracy a favour if they say "no" again. My great suspicion is that, if they do, the wonderful, nameless bureaucrats will take the Lisbon treaty to one side, salami-slice it and then introduce it bit by bit through the back door, as if the vote had never mattered. It is appalling that parts of the Lisbon treaty are already being introduced, even though it does not have the unanimous vote that it requires.

As my hon. Friend said, the Czech President, the Poles and, indeed, even the Germans—the treaty is going through their constitutional courts—are clearly showing greater care for democracy than has been shown by several other countries, and certainly by Europe generally.

I feel uneasy, to say the least, that we have an unelected Prime Minister who is trying to push a general election in this country into the long grass so that the Lisbon treaty can be ratified by the 27 countries before Britain has a general election. That is because the Conservative party is committed to having a referendum on it if it has not been ratified by then. And then, to have another unelected person—Baroness Kinnock of Holyhead, who was recently appointed to the House of Lords—say on behalf of the British people that we will support Tony Blair as president of the EU when the position has not yet been created is quite stunning. The lack of democracy in every stage of this is amazing.

As a member of the Council of Europe, I spend some of my time visiting some of the 47 member states to talk about democracy and observe their elections. I tell them how important the rule of law is, yet it seems that it does not really matter for us. I feel incredibly uneasy about that.

We all believed, when the French, the Dutch and the Irish said "no", that the treaty was dead, but the walking corpse has had some life breathed into it, and we may well see it become a reality for the whole of Europe—for all 27 countries. I hope that that will not happen.

The EU is an important institution, but many of my constituents say that it has been transformed into a creature that they did not wish to see. The hon. Member for North-West Leicestershire (David Taylor) said that in the 1975 referendum he voted against, as many did. The vast majority of people whom I speak to did not have an opportunity to vote in that referendum because they had not reached voting age. They have never had a referendum on Europe, yet over the years they have seen it transformed into something akin to a united states of Europe, which is what some, including Hans-Gert Pöttering, wish to see.

Many of those who voted yes in 1975 voted for a Europe of independent sovereign nation states trading together, but with their own sovereign Governments who would conduct the laws that pertained mostly to them from their own countries. However, year by year, treaty by treaty, we have seen this ebb away and we now have a creature that few people, including Ted Heath, would ever have recognised as the organisation that existed when he took us into Europe in 1973. Ted Heath fought the '75 referendum by saying that it was a Europe of trading states, and that that was all it was. Clearly, it has turned into something far more than that.

We have learned the word "subsidiarity", which has come into our parlance, but we are not acting on it. I hope that a future Conservative Government will take subsidiarity to heart and ensure that, in the ongoing set of negotiations that is the European Union, we return vital powers back to the nation states and closer to the people—that is the sort of devolution I believe in—instead of more power being attracted to the centre, which we have already proven is fairly remote from the vast majority of people in the country.

I shall end by talking, as my hon. Friend did, about EU enlargement. The Council of Europe comprises 47 countries, many of which have had problems, such as Georgia, which has faced hostilities on its borders from another Council of Europe country—Russia. Many of those countries would dearly love to join the EU. Fortunately, two of the more recent entrants to the EU, the Czech Republic and Poland, have shown that they are no pushover when it comes to the rights of their countries and their peoples. I, too, want to see Europe expanding. I want a wider Europe, not a deeper one. I want many of the Balkan states neighbouring us to join the EU as soon as possible, including Croatia, which

will hopefully be the next country to join, Montenegro, Serbia, Macedonia, Albania and Kosovo. I look forward to countries such as Turkey being able to join at the appropriate time.

It will not be the same Europe. It is almost impossible for us to talk about all the countries that will have joined Europe having the same access to labour markets as is currently the case. When Romania and Bulgaria joined we learned the lesson that we failed to learn when the other 10 countries joined. Whereas France and Germany protected their countries with derogations on people being able to settle and work there, we did not, and—surprise, surprise—several hundred thousand people from those 10 countries settled in the United Kingdom. Many of those people did so positively and have contributed to our economy.

Daniel Kawczynski: Roughly 500,000 Poles are living in the United Kingdom as a result of Poland's membership of the EU. I welcome their contribution, but I have repeatedly asked the Polish Government to invest more in consular and embassy staff to help those citizens, because a lot of them have to ask for support from British Members of Parliament, whereas the responsibility for helping them really should still lie with Poland. The Polish authorities should do more to support them here.

Mr. Evans: That is spoken from the heart by a man who probably gets a disproportionate amount of correspondence from Polish citizens in the UK—they know he is fluent in the Polish language—and who, I suspect, has become a sort of icon for the 500,000 Poles who live in the UK and are looking for help. I appreciate my hon. Friend's point. Poland has to recognise the extra work load created when so many people from their country come to the UK.

More importantly, we welcomed Poland and a number of other countries into the EU to assist them to grow and prosper and to lessen the magnet effect of other EU countries on their people, leading them to leave their own. The French and the Germans got it right, because they ensured that there was a 10-year period during which the cohesion funds going into Poland, for example, would at least have a chance to work. We just said, "Open the doors", and coaches full of young Poles come to Victoria station, up the road, looking for opportunities in the UK. Yes, many of them have now returned to Poland, because they do not regard Britain as the golden place, as in the picture that was painted for them. Still, a considerable number of people have come here. At least we put the derogations in place in respect of Bulgaria and Romania. If we went down the road of accepting the Balkan states and then included Turkey, we would need to have safeguards to ensure that a fair chunk of people from Turkey, for instance, did not uproot themselves and plant themselves in the rest of the EU. That is the great fear in Germany and France, which is why Sarkozy has been making some of his pronouncements.

The next general election will soon be upon us and, if the Lisbon treaty has not been ratified, that will give an enormous opportunity for the British people to have their first say since 1975 on how they wish their country to develop. When the Minister responds to the debate, he has an opportunity to reinforce my suspicion, which is that the real and only reason why the British people are not having the referendum on the Lisbon treaty is that the Government have done their private polling and know what the result would be. Polls on the Lisbon treaty referendum have said that up to 70 per cent. of the British people would have voted no. Rather than the British people having their democratic say and rejecting the Lisbon treaty, as has happened in three other countries, they have been denied the vote. That is an absolute disgrace.

If the Lisbon treaty is ratified, I will, like my hon. Friend the Member for Shrewsbury and Atcham, press my party to consider giving a post-ratification referendum so that the British people will have their final say on whether they wished to have the Lisbon treaty foisted on them in this undemocratic fashion. If the British people say no, as I suspect they will, that gives us a wonderful bargaining chip with the rest of the EU in future negotiations to get the sort of Europe that is for the benefit of the British people and for generations to come in the United Kingdom.

The future is exciting for Europe if we get it right. At the moment, we are getting it wrong.

11.48 am

Mr. Edward Davey (Kingston and Surbiton) (LD): I congratulate the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) on securing this debate. Although at times the debate so far suggests that hon. Members may be a little bit demob happy, he made some interesting points that I agree with. I strongly agree that Britain should be in the EU. He may be surprised to know that, as Liberal Democrat spokesman on foreign affairs, I believe that the EU should be reformed. I would enjoy a debate with the hon. Gentleman on all the different reforms that we might have. He may be interested to know that I believe that some powers could potentially return, but that would have to be done in renegotiations with our partners. I will come back to that point in a second. I also agree that one problem is that we in this country have gold-plated EU legislation when directives come down to Whitehall. We are our own worst enemy when it comes to many aspects of how European Union law works.

It is incumbent on all Members of Parliament to try to explain why there is so much European law. Parties such as UKIP—I know that the hon. Gentleman opposes its position—try to suggest that Europe is taking over law-making. That is simply not true as one finds when one analyses not the numbers but the type of law. One reason why Europe has passed so many directives recently is that it deals with trade issues in the internal market—the single market. Anyone who is familiar with the history of law development, whether in the European Union, Britain, the United States or any other developed market economy knows that there are more laws, particularly detailed regulations, covering trade and economic issues than almost any other area. It is not surprising in a single market that more laws have been passed at European Union level. That does not mean that Europe is highly regulated—on the contrary.

An example that I often use is the directive on strawberries. Anti-Europeans say that it shows how mad the European Union is to pass a law on strawberries, but before that there was a British law on strawberries, a Danish law on strawberries and a French law on

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strawberries. There were 15 or 27 laws on strawberries—on what constitutes a strawberry, and what can be sold by strawberry growers or retailers. Those laws have been stripped away, and there is one law, so that strawberry growers of Kent and elsewhere do not have to have different punnets of strawberries going to Belgium, Holland and France. They can have the same punnets, which is helpful to trade.

European laws have inevitably been numerous because they have dealt with trade, but they have also been deregulatory because there has been a bonfire of member states' laws. That vital fact is rarely stated, and I am grateful to the hon. Member for Ribble Valley (Mr. Evans) for providing the opportunity for me to air that argument.

[Mr. Eric Martlew *in the Chair*]

In raising the matter today, the hon. Member for Shrewsbury and Atcham inevitably focused our attention on the Conservative party's policy on the European Union and what it might be if the Conservatives ever came to power. He and the hon. Member for Ribble Valley talked about their support for a post-ratification referendum if the Lisbon treaty is ratified before that event, and I look forward to the comments of the hon. Member for Rayleigh (Mr. Francois). I am sure that he will make clear the Conservative party's position, so I will not put words into his mouth. I am interested to know whether he will talk about its strategy to renegotiate Britain's relationship with the European Union, and how it has been building influence in Europe in recent weeks to make that more possible.

When framing foreign policy, a Government must consider their relationship with Europe's capitals—Berlin, Rome, Madrid—and particularly with Washington. If the Conservative party believes that it will have more influence in the White House because it has less influence in Berlin, Paris, Madrid and Rome, it must be stark, staring bonkers. The major stake to the heart of the Conservatives' attitude to their whole foreign policy is their inability to put forward a coherent, consistent and credible policy with key Conservative European Governments and parties.

Mr. Francois: How would the hon. Gentleman characterise the Liberal Democrats' relationship with Washington?

Mr. Davey: It is extremely good. If the hon. Gentleman had joined me at the Democratic convention in Denver he would have seen that there were more Liberal Democrat MPs there than Conservative and Labour MPs put together.

I turn to business's view of the Conservative party's position on leaving the European People's party.

Daniel Kawczynski: Will the hon. Gentleman give way?

Mr. Davey: In a moment.

British Chambers of Commerce is alarmed and said in the *Financial Times* on 24 June that

"having so many UK MEPs outside the mainstream groupings is a worry for business."

Its head of European representation said that time will tell whether the new alliance will prove successful, but at the moment it looks somewhat fragile. I shall talk about fragility in a moment.

Daniel Kawczynski: During my speech, I tried not to say anything derogatory about the Liberal Democrats, but the hon. Gentleman has started to criticise the Conservative party. I want to raise two issues. First, why did his party vote against giving the British people a referendum? His party's support for the Government prevented the British people from having that referendum. Not many people realise that. Secondly, why did so few people—only 15 per cent.—vote for his party in the European Union elections?

Mr. Davey: The hon. Gentleman should be careful about the latter point. He knows that all the major parties saw their vote fall from what was predicted in the polls. On the referendum, he should know—I believe that he attended many of the debates on the Lisbon treaty—that the Liberal Democrats supported a referendum on whether we should be in or out of the European Union, and we had an exchange on that. Our reason was that that was closest to our 2005 manifesto commitment. The constitutional treaty, unlike what members of the Conservative party often say, is not the same as the Lisbon treaty on key constitutional issues.

The constitutional treaty contained the Maastricht treaty, the treaty of Amsterdam, the treaty of Nice, the treaty of Rome and the Single European Act in one document. To vote on that is to vote on the whole European Union. The Lisbon treaty is minor. It is an amending treaty, not a constitutional treaty. It is not about whether one agrees with the whole of the European Union's rules as built up over decades; the constitutional treaty, however, was. A referendum on being in or out of the EU was far closer to our pledge.

Goebbels was right in saying that propaganda is repeating the same lie—*[Interruption.]* Misrepresentation—I was talking about the Conservative party, not individuals.

Mr. Evans: The hon. Gentleman will know that when the former President of the European Parliament, Hans-Gert Pöttering, gave a speech to the Council of Europe he said that the document was virtually the same as the one the French, Dutch and Irish rejected. Indeed, the vast majority of European politicians rather like the Lisbon treaty, and when they talk about it in their own countries they reassure people that it is virtually the same document. Only in the United Kingdom do we carry on with the pretence that somehow the document before us is different.

Mr. Eric Martlew (in the Chair): Order. Interventions should be short.

Mr. Davey: Again, I refer the hon. Gentleman to our debates on the Lisbon treaty, because many people had a completely different view.

Daniel Kawczynski: The realpolitik at the time was that the Labour Government would never allow a referendum on whether we should be members of the European Union. By not voting with us, the hon.

Gentleman's party lost a golden opportunity to give the British people a referendum on the constitution. Surely he knew at the time that the Government would never allow such a referendum.

Mr. Davey: The hon. Gentleman should have backed our call. We would then have had a much stronger case, and the Government would have been on a much weaker wicket.

The key issue—I am sure the hon. Member for Rayleigh will address it—is the Conservative party's decision to leave the European People's party in the European Parliament. Elected Conservative Members of Parliament and those in Brussels have described that as "stupid", moving the Conservatives to the "wild fringes", "crazy" and "head-banging", the final description being that of the right hon. and learned Member for Rushcliffe (Mr. Clarke).

Let us be clear. A vast majority of respected Conservatives believe that the party's current position is crazy. Why did it occur in the first place? The European Parliament does not have the power to change EU treaties, nor can it or MEPs make the EU more federalist. That can be done only by negotiation, subject to the unanimity laws, between member states. Why it was so difficult for British Conservatives to sit on the same benches as the MEPs of Chancellor Merkel and President Sarkozy is beyond me, particularly as Chancellor Merkel's views are probably the closest of any German leader since the second world war to those of the modern British Conservative party.

The situation is even more bizarre because the European People's party, after quite a big victory for centre-right parties across the European Union, is at its strongest in the European Parliament, and it is at this moment that the British Conservatives decided to leave, so they have chosen isolationism over influence. That will hobble a future Conservative Government.

Any grouping in the European Parliament must have 25 MEPs from seven member states. Following the decision of the Finnish MEP who had been recruited to leave the new grouping after a few days, having met his erstwhile colleagues, the new grouping has only seven member states represented and four of those seven have only one MEP.

Mr. Francois: The hon. Gentleman is incorrect: there are eight.

Mr. Davey: Oh, there are eight—it changes day by day. We can never quite tell. One day, we have former leaders of the Conservative group, people such as Edward McMillan-Scott, who are members of the Tory party, and then we do not. We have to keep track, and I apologise for not being quite as up to date as I needed to be, but the key point remains that four members of the new group have a single MEP. It only needs two of them to leave and then the group folds, so the instability—the fragility that the member of the British Chambers of Commerce referred to in the *Financial Times* last month—is still there. That cannot be a sensible way of going on.

The Conservatives told us that the new grouping would mean a big voice for the British Conservatives, so what have they gained since the elections? They still have only one chair of a committee. That is all that they had in the past. They have not gained any new chairs; their voice has not got any bigger. However, they have reduced voting strength on all the committees, so their voice cannot be heard when they are voting on legislation. Even the leader of their group, who was to be a Conservative MEP, has had to become a Polish MEP. The influence of the Conservative MEPs has been reduced.

I would have liked to go on about all the different members of the new grouping and their particular policy preferences, but I will not, because of time. They have already been rehearsed and I would like to give the Minister a chance to rehearse them, as I am sure he would like to do. I shall therefore end on an issue of policy that is relevant to how Britain is involved with the European Union, and to future issues that will challenge the next Government on both foreign policy and expenditure; we all know the expenditure problems. The issue relates to defence.

I refer hon. Members not to Liberal Democrat policy, but to an article by the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind) in the *Financial Times* last week entitled "Britain must work with Europeans on defence". In the article, the former Conservative Foreign Secretary talks about the importance of European colleagues working together far more effectively on issues such as defence procurement, and in terms of ensuring that commonality is achieved in equipment, weaponry, armour and so on. He talks about the huge savings that could be reaped. He also talks about making our own Army far more effective. He talks about it being able to work more closely with other armies, particularly that of France, which does take its defence policy seriously, but also with others as, it is hoped, they begin to do so as well.

That ought to go to the heart of political debate—the security and the finance of our nation. We have to work with our European colleagues, and with rather more enthusiasm and with some semblance of influence. I think that the British Conservatives are about to sell our country down the river.

12.3 pm

Mr. Mark Francois (Rayleigh) (Con): It is a pleasure to serve under your chairmanship, Mr. Martlew. I begin by congratulating my hon. Friend the Member for Shrewsbury and Atcham (Daniel Kawczynski) on securing this important debate. He criticised the possible appointment of Tony Blair as President of the EU, and I will certainly want to return to that theme. I commend my hon. Friend for his assiduous membership of a number of all-party groups; he is clearly a very hard-working Member of Parliament.

My hon. Friend raised, among other things, Gibraltar. I can tell him that one of the first all-party groups that I joined when I came to this place in 2001 was the all-party group on Gibraltar. Gibraltar and the desire of the Gibraltarians to remain British will always be something that is close to my heart. I intend to fight very hard for that should I ever have the honour of becoming a Minister in the Foreign Office. I hope that my hon. Friend takes some reassurance from that.

I also commend my hon. Friend the Member for Ribble Valley (Mr. Evans), who made a typically passionate contribution. He raised several issues, including enlargement. He made the point that a number of countries look forward to the possibility of joining the European Union—of having an EU prospective, as it is

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often put. He also raised what happened in Bulgaria and Romania. People in all parties in this country and in many other countries in the EU have learned lessons from that. In essence, the lesson is that if we attempt to bring in countries to meet an arbitrary timetable, the risk is that we bring those countries in before the process of reform has been fully completed. That lesson has been learned across the EU, and we now talk about conditionality rather than arbitrary timetables. In simple terms, if further reform has to take place, it is better that it takes place before a country is admitted to the EU rather than afterwards, because there is still a degree of leverage to argue for reform before it comes in and it is difficult to get that reform once it has been admitted. It is fair to say that that lesson has been learned by many countries of the EU. It is hoped that a number of the countries mentioned by my hon. Friend can undertake the reform that might be necessary to allow them one day to join the EU.

Mr. Evans: Will my hon. Friend give way?

Mr. Francois: I have a lot to say, but I will give way.

Mr. Evans: Will my hon. Friend also accept that it is important to take the peoples of those countries with us as well? If it is ever gleaned by the people that they are being dragged by the nose in a certain direction but the chances of them ever joining are remote—Turkey is a perfect example of that—we run the risk of those peoples turning against the European Union and against the whole concept of what we are trying to create.

Mr. Francois: My hon. Friend's point is well made. It remains the Conservative party's position that we support, in principle, Turkish membership of the European Union. He is right to raise the prospect of some frustration in Turkey about what I think people there perceive as problems being put in their way by certain other countries in the European Union. We run the risk that if those problems pertain for any length of time, people in Turkey will begin to lose faith in the possibility of membership. My hon. Friend therefore sounds an important warning in the debate, and I hope that the Minister will take that warning on board.

I want to follow the remarks by my hon. Friend the Member for Shrewsbury and Atcham about the possibility of the former Prime Minister, Tony Blair, becoming the President of the European Union. That really came to light last Thursday following an extraordinarily candid admission by Lady Kinnock, the new Minister for Europe:

"The UK government is supporting Tony Blair's candidature for president of the Council."

The post of EU President does not exist at present, but the creation of the post by the Lisbon treaty and now the former Prime Minister's candidature have huge potential consequences for the way in which the EU is run, for our relationship with the EU and, given Tony Blair's relationship with the present Prime Minister, for British domestic politics as well. Of course, we are opposed to the Lisbon treaty, so we do not want the post to be created at all. It is particularly presumptuous of the Labour party to raise the prospect of his having the job before the treaty is even ratified.

The post of EU President, were it ever to come about, would, particularly in the hands of a well known and ambitious politician such as Mr. Blair, have the potential to become a very powerful yet, importantly, unelected office. That raises real concerns. I would therefore like, as part of this debate on how we might interrelate with the rest of the EU, to consider his record and what he might do were he ever able to assume that office.

The former Prime Minister will be remembered for many things. One thing that he will be remembered for is the surrender of £7.2 billion of the British rebate—that was British taxpayers' money—for very little in return. That surrender followed a now familiar pattern from Labour of initially defiant rhetoric for media consumption, followed by surrender and subsequent spin to try to make up for it. To summarise, Downing street assured us in 2005 that the rebate was not up for negotiation. The former Prime Minister promised Parliament:

"The UK rebate will remain and we will not negotiate it away. Period."—[*Official Report*, 8 June 2005; Vol. 434, c. 1234.]

When asked whether the rebate was justified and non-negotiable, the current Prime Minister replied, "Yes". He went on to say:

"there will have to be the rebate and the reason is that even if you decided to negotiate down the Common Agricultural Policy...there would still be that period where we were paying far more because other people were getting the benefit—not just of the Common Agricultural Policy but of Structural and Cohesion Funds."

However, that rhetoric soon turned into the reality of a Labour EU climbdown. On 21 June 2005, the former Prime Minister said:

"we have made it clear all the way through that we are prepared, not just to discuss and negotiate upon, but to recognise that the rebate is an anomaly that has to go, but it has got to go in the context of the other anomaly being changed as well."

However, that did not happen. In his statement attempting to justify the new deal, the former Prime Minister claimed success, saying:

"we also agreed on a fundamental review of all aspects of the EU budget, including the common agricultural policy...it is then possible for changes to be made to this budget structure in the course of this financing period."—[*Official Report*, 19 December 2005; Vol. 440, c. 1564.]

In practice, however, that so-called fundamental review of the CAP, which was promised to Parliament, was downgraded to a non-binding health check, which has not led to genuine reform. We were sorely let down, and £7.2 billion of our money was given away with virtually nothing in return. If the former Prime Minister became the EU President, therefore, Britain would be left facing a powerful President with a track record of failing to stand up for Britain's interests in Europe.

The former Prime Minister's record should also be examined with regard to his role in forcing the Lisbon treaty on the British people without the referendum that he had promised them. As we know, the treaty represents a significant transfer of power from member states to the EU's central institutions. That includes the loss of 60 vetoes and the creation of a European diplomatic service, a Foreign Minister in all but name, a charter of fundamental rights and an EU President. The treaty is nearly identical to the EU constitution that Blair promised would be put to the British people in a referendum.

Let me pick up the point that the Liberal Democrat spokesman, the hon. Member for Kingston and Surbiton (Mr. Davey), made about the Lisbon treaty. He attempted to argue that the treaty and the constitution are markedly different, but they are not, and he does not need to take that from me. He can take it from the former Irish Taoiseach, Bertie Ahern, who said that they are 90 per cent. the same. He can take it from the Spanish Foreign Minister, who said that they are 98 per cent. the same. He can take it from the Spanish Prime Minister, who literally went one better, saying that they are 99 per cent. the same. He can take it from Chancellor Merkel, who has been mentioned several times today. She said:

"The substance of the Constitution has been maintained."

He can even take it from the Prime Minister. Shortly after taking up his new post, the Prime Minister had a meeting with the Taoiseach. At the subsequent press conference, he was asked what they had been talking about. He replied:

"the European constitution and how that can move forward over the next few months."

Even the Prime Minister therefore knows that the treaty and the constitution are essentially the same. It is—I choose my words carefully—disingenuous of the Liberal Democrats to pretend that they are materially different, so that they can get out of the referendum that they solemnly promised the British people in their 2005 general election manifesto.

Hon. Members: Hear, hear.

Mr. Eric Martlew (in the Chair): Order. Hon. Members need to be quiet.

Mr. Francois: I am sorry, Mr. Martlew, I appear to be enthusing my hon. Friends that bit too much. Nevertheless, the Liberal Democrats have tried to wriggle out of their promise. They tried to make the same case on the Lisbon treaty in the European elections, and they were ritually slaughtered for their trouble, so we will take no lectures from them about the treaty.

Tony Blair's possible candidature was not really an issue in the European elections, and I do not remember it cropping up very much. However, the elections were one example of the British people having at least some say over the European policies of this country's different parties. Although the elections saw socialist party policies across Europe being rejected, the people's rejection of the Labour party in Britain was particularly decisive. The Labour party did worse than its socialist brethren in France or Spain; it got just over half the MEPs that the Italian socialists did; and it achieved a similar result to that of the German Social Democrats, the SPD, despite the fact that the SPD had its worst election result since the second world war. In the new European Parliament, the British Labour delegation will rank as only the sixth-largest party in the Socialist group, only just ahead of the Romanian Socialists, who have 10 seats. As I understand it, although the Minister may correct me, the Labour party will have no committee chairmanships in the European Parliament. Given that my party has at least one, therefore, it is rich for the Government to criticise us.

On our relationship with the EU, we would like to hear from the Minister what the position of Labour MEPs will be on the working time directive in the new Parliament and perhaps under a new Commission—whatever happens to the Lisbon treaty, there will have to be a new Commission. As the Minister knows, I have raised this issue with him before. The UK's opt-out from the working time directive—the opt-out is now used by 15 different EU countries—affects the jobs of 3 million people in this country. This is not, therefore, some esoteric debate, because the issue matters to the employment of millions of people in the UK. In the crunch vote a year ago, most Labour MEPs, including the woman who now leads them in the European Parliament, voted to get rid of the opt-out, although a few voted to retain it. It is likely that we will return to the issue, so it is important to press the Minister on exactly where Labour MEPs stand.

When my right hon. Friend the Member for Witney (Mr. Cameron) became the leader of the Conservative party, he said that we would form a new grouping in the European Parliament. In effect, he gave three years' notice that we would do that, so it is not something that we decided to do overnight. Many people, including several Ministers, the Liberal Democrats and several commentators in the media, said that we would never do that, but we have. We have established a new grouping, which has 54 Members of the European Parliament representing eight EU countries. If we look at the balance of power in the Parliament—I know that the Minister studies these things—we can see that that grouping will have quite significant influence and could be a swing voting grouping on particularly important votes.

I will conclude now, so the Minister has a chance to make a contribution—*[Interruption.]* Well, I want to give him at least 13 minutes. I leave him with this thought. A GfK NOP poll at the weekend asked people whether they wanted Tony Blair to be the EU President. Some 25 per cent. said yes, but 54 per cent. said no. If the Government intend to take any notice of the slaughter inflicted on them in the European elections by the people of this country, they should pay some heed to those figures and change course.

12.17 pm

The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Chris Bryant): It is a delight to sit under your chairmanship, Mr. Martlew. I am afraid that I will have to rather rush through things because so many different matters have been raised.

I congratulate the hon. Member for Shrewsbury and Atcham (Daniel Kawczynski) on securing the debate. I should tell him that I do know who the Welsh MEPs are; indeed, I know two of them—Derek Vaughan and Jill Evans—personally, although I do not know John Bufton and Kay Swinburne. I also happen to know who the hon. Gentleman's MEPs are: Mike Nattrass, Malcolm Harbour, Philip Bradbourn, Nikki Sinclaire, Liz Lynne and Michael Cashman.

Mr. Evans: The Minister asked a friend.

Chris Bryant: The hon. Gentleman suggests that I have a better researcher than he does, and he is quite right.

It is good formally to confirm on behalf of those of us in the Chamber that the hon. Member for Shrewsbury and Atcham is a Polish icon. He is much respected in

[Chris Bryant]

the House—I mean this seriously—for many of the issues that he raises and for his relationship with Poland. There are not many fluent Polish speakers in the House, and I know that the hon. Gentleman also speaks Swedish. Hon. Members who come here from many different parts of the world with their own family history often add something to the way in which we do our business.

The hon. Gentleman will know that our relationship with Poland is a strong and historic one. That is particularly true as regards the second world war, but it was also the case before. As he will know, we have just opened a new embassy in Warsaw at a cost of £35 million, and we are very much committed to our strong relationship with Poland. Polish and British troops often fight together, in places around the world, and there is a strong link. It is a delight to see that shopping habits in Britain have changed—that there are Polish sausages on our supermarket shelves. In 2007, Poland imported £47 million of British food—an increase of 54 per cent. I am told that a large amount of that is Marmite.

One thing rather let down the hon. Gentleman's speech. He accused the Labour Government of arrogance, but he presumed on the British public on about five occasions, talking about when someone would be the Minister, and when there would be a Conservative Government. That shows the arrogance lying beneath. He may not want to own up, but it is a matter of motes and beams.

The hon. Gentleman raised the issue of Department for International Development aid to north Africa, and said that it is wrong that we do not provide aid in the way that Italy is providing it to Libya. We do not agree with tied aid of that kind. It is inappropriate, and we shall lobby throughout the European Union to ensure that that does not happen. Likewise, one of the things of which I am most proud is that when Labour came to power we said we would not tie the aid that we provided to other countries to contracts secured by British companies. Instead we would tie it to two things, and the first of those was good governance; we would not simply put money into the pockets of corrupt Governments, even though they might represent very poor areas. Secondly, we said that we would target our aid at the poorest countries in the world. If anything, one of our criticisms of other European countries has been that they have tended merely to provide aid to countries with which they have a historic link. That is inappropriate because if we are to meet the millennium development goals we must target our money at the poorest countries.

The hon. Gentleman referred to Iceland and its continuing process of trying to join the European Union. Obviously, we are delighted that Iceland will submit an application for membership. We do not think that it should be linked, directly or indirectly, to banking and the crisis earlier in the year. The Government are working to try to overcome the difficulties that charities and individuals have had because of the collapse of Icelandic banks.

Daniel Kawczynski: Will the Minister give way?

Chris Bryant: I am very hesitant to, because I have a very short time. Perhaps the hon. Gentleman can raise things with me after the debate; I have to deal with about 20 other things that he has already raised with me.

The hon. Gentleman raised the issue of ratification, and so did other hon. Members. That is, of course, an issue in Germany: in the Bundestag on 26 August there will be the First Reading of the changes to the law that it believes it needs to proceed with ratification. The Second and Third Readings will be on 8 September in the Bundestag and on 18 September in the Bundesrat. We hope that the Czech Republic and Poland will proceed to ratification, notwithstanding the charming letter that the hon. Gentleman sent to the Polish President.

The hon. Gentleman raised the matter of Gibraltar, as did the hon. Member for Rayleigh (Mr. Francois). I do not know whether he is aware that there are trilateral meetings today between the Spanish Government, the UK Foreign Ministers and Peter Caruana, on behalf of Gibraltar. There are several issues, and the process is a serious one, which can only redound to the benefit of the people of Gibraltar. We are engaging on issues to do with financial services and taxation, customs, police co-operation, education and so on. The self-determination of the people in Gibraltar must obviously be at the heart of the trilateral relationship. The British Government have no intention of changing that.

Mr. Francois: Will the hon. Gentleman assure us that in those meetings Her Majesty's Government will raise the important issue of Spanish vessels making incursions into Gibraltar's territorial waters?

Chris Bryant: Those issues have already been raised, and we shall continue to raise them, as well as environmental issues that have come up in the past few months, on which we believe the Spanish Government have not acted appropriately, and on which we disagree with them. We can have disagreements with strong allies.

The hon. Member for Shrewsbury and Atcham raised the issue of renegotiation of Britain's membership of the European Union. I want to say to him and the hon. Member for Ribble Valley (Mr. Evans), who is immensely charming but always wrong—on these issues anyway—that renegotiation can happen only if we persuade all the other members of the European Union that they want to renegotiate. Talks of bargaining chips, referendums, post-ratification referendums and the rest of it are cloud cuckoo land unless another single country, to start with, and, in the end, all the other countries in the EU, can be persuaded that they want to go through the process of treaty renegotiation. In my view, the European Union has been too obsessed in the past five or 10 years with treaties and institutional arrangements and it would be better if it were more focused on the real needs of the peoples of our countries. That means an appropriate level of subsidiarity so that member states can make the decisions that are important for them. However, it also means that on key areas of co-operation we must all bind together.

The hon. Member for Kingston and Surbiton (Mr. Davey) referred to work that was done by the former Conservative Foreign Secretary, the right hon. and learned Member for Kensington and Chelsea (Sir Malcolm Rifkind), and he is right that there are major areas in which we still have to develop further levels of co-operation. In defence areas the basis of that would always be unanimity—it would have to mean member states taking clear decisions about whether

they wanted to take part in military intervention. However, there must surely be a greater opportunity for us in greater, enhanced co-operation.

The hon. Members for Shrewsbury and Atcham and for Rayleigh raised the issue of Turkey. We are fully committed to Turkey's membership of the European Union; it is important. Of course, many issues must be resolved. The hon. Member for Ribble Valley referred to migration. He is right that one of the focuses of the concept of the European Union was the freedom for people to live and work where they chose within it. That is essential to a free, open and single market. However, we must ensure that migration patterns across the European Union are not so intense that any one country feels overburdened, or, for that matter, over-denuded, with respect to the working population. Of course that is right. One of the many reasons for our support for a very important round of talks in Copenhagen, at which we must get a clear resolution on climate change issues, is that the danger of climate change, in particular if sea levels rise because of the increased temperature of the globe, is that because some of the poorest people in the world live in the lowest-lying areas, they may be pushed into patterns of significant migration. We do not believe that that would be sustainable, and that is why we want to fight climate change.

The hon. Member for Ribble Valley raised issues about enlargement and Croatia, Serbia, Kosovo and Bosnia, and I do not know that I can cover all of those now, but I want to return, as the Liberal Democrat spokesman thought I might, to the question of the Conservative grouping in the European Parliament. Is it not fascinating that the Conservatives decided to eschew the most important and significant Members of the European Parliament, with whom they might have had historic associations, in France, Germany, Italy and Spain, and decided instead, out of an ideological obsession, to work not in the British interest but in that of their ideology, and to stitch up a new grouping on the sidelines of the European Parliament? Fascinatingly, of course, we now know that part of that stitch-up was making sure that Mr. Kaminski would be one of the vice-presidents of the European Parliament. Unfortunately, so incompetent was the negotiation waged by the hon. Member for Rayleigh that those involved knew Mr. Kaminski would not get anywhere near the vice-presidency; consequently, Mr. Edward McMillan-Scott, one of the wisest members of the Conservative party, decided he had to stand. He secured the vice-presidency, in the British interest, I would suggest. That meant greater influence, because the vice-presidents play an important role in the way the European Parliament does its business.

There are major issues about Mr. Kaminski. Only this weekend, Rabbi Barry Marcus, of the Central synagogue in London, condemned the Conservatives' association with Mr. Kaminski, who is now, of course, their leader in the European Parliament. They organise a new group and cannot even sort out making sure that one of their own Members is the leader. What does that suggest about what a future Conservative Government might get up to?

Mr. Francois: Will the Minister give way?

Chris Bryant: No; there are barely seconds left. Rabbi Barry Marcus of the Central synagogue—

Mr. Eric Martlew (in the Chair): Order.

Gloucester (Regeneration Funding)

12.30 pm

Mr. Parmjit Dhanda (Gloucester) (Lab): Thank you for calling me to speak, Mr. Martlew; I was just beginning to enjoy the exchanges at the end of the previous debate. It is a real pleasure to serve under your chairmanship for the last time in this Session, before we all retreat to what the newspapers say will be an 82-day holiday. I know that it will not be an 82-day holiday for you, Mr. Martlew, nor will it be for the Minister or myself. In my case, that will be not least because of some of the issues that I will outline in the coming minutes. I am pleased to say, though, that I will not have to go at this debate with as much gusto as I thought I might have to a few weeks ago, when I requested it, because some good progress has been made since then. I am very pleased about that progress and I will talk about it in a moment.

In the past eight years, since I have been the Member of Parliament for Gloucester, there has been a very good story to tell about regeneration in the city of Gloucester. Since I was elected as the MP for Gloucester in 2001, we have seen £35 million spent on a new Gloucester Royal hospital and about £20 million spent on a university campus at Oxstalls in my constituency, with the university of Gloucestershire being given university status for the first time. In addition, we have seen about £20 million spent on creating a state-of-the-art new police headquarters in Quedgeley in my constituency. As part of the urban regeneration in Gloucester, we have seen a £35 million further education college—Gloucestershire college—built on the shores of the Sharpness canal, which was a project that I was intimately involved in. I think that that project has been one of the catalysts for the wider regeneration of the Gloucester docks.

Since 2001, we have also had a very good relationship with the regional development agency. In the past 10 years, we have had about £35 million in capital and revenue expenditure, which certainly would not have happened if we had had a Conservative Government. The Conservatives do not believe in RDAs. That sum of £35 million has made a huge difference, not only because of what one can do with £35 million but because it has acted as a stimulus, working alongside an urban regeneration company that has been set up in recent years to lever in other moneys, not least private sector finance, of which we have had about £300 million. In total, as a consequence of all that investment, we are looking towards a £1 billion regeneration of Gloucester.

We have had our ups and downs in recent years. At a time when the Government are talking about a fiscal stimulus, I would urge my right hon. Friend the Minister to see what we have done in Gloucester. That is one of the biggest ups. The Minister may bring the Secretary of State for Communities and Local Government with her, by all means. I think he would be delighted to see the work that has gone on in Gloucester, in terms of keeping jobs in the construction industry, by building a £140 million designer outlet centre, with 100 new designer outlet shops, in the Gloucester docks. The jobs in that centre and those associated with it probably equate to about 1,000 jobs in total.

In May this year, unemployment actually went down in the city of Gloucester. It was up again slightly in June, but the work that has taken place in and around the regeneration area, including a new Sainsbury's store that has opened on the other side of the Sharpness canal, has created, as I said, a very significant number of jobs. The designer outlet centre was opened, as I am sure my right hon. Friend the Minister will know, by Gok Wan. She will be very aware of his talents, as I am sure you are, Mr. Martlew; I can see that you are wearing one of your finer suits today, which I am sure that Gok Wan would approve of.

On the downside, however, we know that RDA budgets have been raided by the Government. I understand why that has happened. At a time of recession, it is only right and proper that Governments want to keep people in their homes and want to keep people in work. So we have seen tens of millions of pounds taken from RDA budgets and used in projects based around housing and employment. We in Gloucester have benefited from some of those projects too, so I entirely understand why that has happened.

We have been through a process with the South West of England Regional Development Agency in which it wanted us, with our urban regeneration company, to make a pitch for the key projects that we need to keep money coming into. Today's debate is actually the second part of a debate that I initiated in Westminster Hall on 13 May, which was with the Under-Secretary of State for Justice, my hon. Friend the Member for Watford (Claire Ward), who was acting as the Minister then. I offer my congratulations to her; she did so well that she is now a Minister in her own right. I am sure that the Minister for Regional Economic Development and Co-ordination, my right hon. Friend the Member for Doncaster, Central (Ms Winterton), who is here today, and I will work so well together, not least with officials at the central project review group within the Department for Business, Innovation and Skills, that it will only mean good news for her, and she will be in the Cabinet in no time at all after this debate, if the precedent of my hon. Friend the Member for Watford is anything to go by.

We made the case in that debate on 13 May and to the RDA a few months ago for keeping four key projects going, because we know that, especially in the midst of a recession, they will make a huge difference. One of them, which I will come back to and speak about in some detail, is the linkages project, which deals with linkages between the Gloucester docks and the conventional and well-known town centre of Gloucester, which includes the cathedral and the shopping centres. It is also where the Four Gates meet; it is the actual town centre. It is important to have a strong linkage between those two areas—the docks and the town centre—because there has always been a fear factor in the town centre, understandably, among small and medium-sized businesses that we would lose jobs and businesses if we regenerate the docks and leave the town centre as it is. Those linkages are absolutely crucial and we made a case for them. I am pleased to say that the RDA board liked the case that we made and approved the linkages project.

We also made a case for Kings square, a 1960s monolith or "carbuncle", as I think I described it in the debate on 13 May. That project was approved and I am glad that the Department for Communities and Local

Government approved of that too. The same was true of a heritage quarter in the town centre, known as Blackfriars. It houses the Dominican priory, which I am told is the most historic Dominican priory anywhere in the country.

I also made a case for the Four Gates centre in the deprived Westgate ward, but I was less successful in that respect. The Four Gates centre was important to me and to many of my constituents, because I think that regeneration should not only be about steel and glass but about social regeneration; it needs to be about child care, community facilities and health provision. Unfortunately, the RDA board did not approve the sum that we were looking for—I think it was a sum of about £2 million—in that particular case. I am still hopeful that that project can go ahead with the support of the primary care trust and I will be working with local community groups to try to ensure that it does happen.

So we heard good news from the RDA board. We had not thought that we would get absolutely everything that we hoped for; we accepted that. We also accept the issue around the Four Gates centre and we will try to find other ways of funding that project. However, we had some bad news when the central policy review group of the DCLG did not approve the linkages scheme. That scheme was No. 1 on my priority list, as it was on the priority list of the urban regeneration company and the city council.

I know that my right hon. Friend the Minister and the Secretary of State are concerned about this process, because we have talked about it, and I know that other Ministers in the DCLG are interested in it, but I am really pleased, especially at a time of recession, that my right hon. Friend the Minister has got hands-on involved with it and engaged her officials with the RDA to take a closer look at these linkages. I hope that we are now making some good progress. From what I have heard, there is a much better level of dialogue between the local urban regeneration company, the RDA and the Department on getting this money in and doing the work. Especially during a recession, we need those linkages and to complete the public realm work done between the Gloucester docks and the town centre. Many businesses—not to mention shopping centres such as the Eastgate and Kings Walk shopping centres—and the Federation of Small Businesses are lobbying very hard for this money, because they think that we will lose a lot of jobs. We already have an issue, as do many town centres, with boarded-up shops, but that will get much worse if we cannot find the resource to do the public realm work.

I understand that part of that work has involved an evaluation by the Department of what can be achieved over three years. I say to my right hon. Friend and departmental officials that, especially during a recession, we need to be more flexible and sometimes look at a longer period. The public realm work will make a difference over a much longer period than three years. During a recession, the RDA, which feels very strongly about this, thinks that we have to be more flexible. A decision approved by its board has never been overturned before, and it has made it clear to all of us locally that this is an important scheme for it and one that it wishes to continue to support.

I am very confident that, within six weeks, we can clear up the detail between the CPRG and the RDA so that the former can formulate the detailed criteria and tell the latter what else needs to be done locally to secure the money. We then need a quick decision. Ministers are right when they talk about fiscal stimuli and bringing forward funding and projects, and I do not believe for a second that they want to be held back by officials. We understand the need to go through due process, but if we can get through this in six weeks, we can ensure that the money is spent, that the work on the ground is done, that the construction jobs are in place and that the town centre remains confident that the project will make a difference, not in isolation in the docks area, but in perpetuity in the rest of the town centre.

This is a very important project for us, and I am pleased with the way in which my right hon. Friend has engaged her Department since my initial concerns were raised. I know that she will not be having an 82-day break or anything like that, although I hope that she gets away and recharges her batteries over the summer—we all need to do that. However, it is really important that her officials, the RDA, the urban regeneration company, myself and her Department continue to engage on this matter. I hope that we can secure a positive solution and return, certainly before October but hopefully quite a bit earlier, so that we can get on with delivering the project and returns and with demonstrating not only that we have started a decade-long regeneration project, but that we are here for the long term, and that we will complete what was started in my constituency by this Labour Government, the RDA and the urban regeneration company.

12.43 pm

The Minister for Regional Economic Development and Co-ordination (Ms Rosie Winterton): It is a pleasure to serve under your chairmanship, Mr. Martlew. I congratulate my hon. Friend the Member for Gloucester (Mr. Dhanda) on securing this debate. He has raised this issue before in Westminster Hall, and Parliament more widely, and has made a number of representations to Ministers in the Department for Business, Innovation and Skills in recent weeks. He has also worked very hard to secure regeneration projects in his constituency.

My hon. Friend set out very clearly some of the investment made over the past 12 years to regenerate his area. I would certainly like to take up his offer of a visit to his constituency. I shall be touring the regions in my new role, and it would be a pleasure to return to Gloucester. I think that I am looking to visit at the beginning of September, so if he is around then, which I am sure he will be, perhaps we can find a suitable date. I well remember his area, because of the floods. I was a Transport Minister at the time of those severe problems in his area, and I know that a lot of work was done to try to ensure that the Government could provide assistance.

Gloucester has had more than its fair share of challenges over the years, some of which have their root cause in the current recession. However, it is also true, in terms of regeneration over the past 12 years, that the Government have made a deliberate effort to address some of those problems. There are prosperous areas in my hon. Friend's constituency, but also areas of quite severe deprivation problems. That is why the Government have tried to use public investment to ensure that so many of the projects

[Ms Rosie Winterton]

to which he referred lead to increased employment and improved services and are effective in regenerating the area.

The current recession has had a major impact on Gloucester's strong economic base, especially in advanced engineering and manufacturing. I pay tribute to much of the work done—my hon. Friend has been involved in it too—in bringing together local partners in the city, to develop plans to combat the recession and to look at some of the longer-term problems. One of the issues that comes to mind is around skills and how, over the years, there has been a loss of skilled work in the area. Local partners have been considering how to build up that skills base, so that when the upturn comes, manufacturing and engineering can take advantage of the opportunities that come with it.

Some of the decisions made—for example, on the completion of the Gloucester south-west bypass—have not only opened up an opportunity for economic development and growth but, as my hon. Friend said, created a very different environment for the renewal of the city centre. I am glad that he paid tribute to the work of the RDA, especially its championing of the Gloucester Heritage Urban Regeneration Company, which has pioneered regeneration investment in the city area and the area around the Gloucester docks. About £17.7 million has already been invested in bringing parts of the area back into productive use.

My hon. Friend was right to draw our attention to the work of the RDAs, and point out that the Conservative party would do away with them. Both before and during the recession, the RDAs have been one of the delivery agents that have made a real difference to people on the ground. To imagine that Whitehall and Westminster could deliver the type of changes that we have seen without organisations such as the RDAs is living in fantasy land, so it is important that we invest in them.

My hon. Friend was right to say that as part of the fiscal stimulus in which the Government have been involved, we asked the RDAs to accelerate projects that could deliver a short-term boost to the economy. Gloucester docks was one such project that the South West of England Regional Development Agency put forward as part of that stimulus.

In the current economic climate, it is right to ask RDAs to use their funds to maximum effect to help regional economies. My hon. Friend referred to the CPRG, which examines the economic robustness of RDA project proposals. If there are questions over value for money or any other aspect, it is right that officials within my Department work closely with the RDAs to examine the issues that have been raised to ensure that where a case can be taken forward, we work closely together to do so.

My hon. Friend also referred to a number of issues that are perhaps seen as blockages to taking a project forward and ensuring that a case is robust. After representations from my hon. Friend, I have been making inquiries to see that everything possible is being done to ensure that officials work closely with the RDA to iron out some of the concerns about value for money and the robustness of a case. We must do that to ensure that public funds are being well targeted. We are always anxious to ensure that projects offer value for money so that local people can benefit from the best case to secure regeneration.

The South West of England Regional Development Agency made an initial submission to the CPRG in November 2008. A number of key issues were identified as areas that needed further work. A revised business case was submitted in June 2009 following interactions between my Department's economists and policy officials with the South West of England Regional Development Agency. I understand that a site visit also took place to understand fully the context and project objectives.

Currently, the business case is much improved. There are still some concerns that more work needs to be done, particularly where there are uncertainties about costs and benefits. We want to ensure that the appraisal fully reflects some of the uncertainties and risks inherent in the current property market.

Mr. Dhanda: If the Minister is to pay a visit in the first week of September, it would be terrific to resolve the issues before then. If the issues are not resolved and a decision still has to be made, may I suggest that she brings with her an official or two from the CPRG? In that way RDA representatives and urban regeneration company representatives can show them the need for the work. It is all very well listening to me, but if the Minister can see the issues physically it may help to make the difference on the day.

Ms Winterton: That is an extremely good idea, which I will take forward. In the meantime, I will make some inquiries about the point that my hon. Friend raised on the three-year evaluation. Again, that is something that we will want to discuss at any future meeting.

I want to assure my hon. Friend that officials in the Department are continuing to liaise with the RDA. We hope to be able to take a decision on the matter as quickly as we can. I understand that the RDA is itself reviewing the appraisal, taking into account some of the points that have been raised by the CPRG. I am anxious that any appraisals or reviews of projects take account of the changed economic circumstances. I need to be certain that we are getting good value for money and that we have asked RDAs to bring forward projects that will provide the fiscal stimulus that we need at the moment. Therefore, it is a question of ensuring that those two matters are brought together so that we can be clear—and I know that my hon. Friend will want to see this as the local Member of Parliament—that any project in which we invest will provide maximum value for local people. This project has been identified as a fiscal stimulus project, but before we can take a final decision on it, we need to identify and consider carefully information on the short-term boost to the economy. As I have said, we must get the balance right and ensure that we get good value for money and that we achieve the fiscal stimulus to the economy that I have talked about.

Once again, I want to congratulate my hon. Friend on the way in which he has ensured that the voices of his local constituents, the RDA and the urban regeneration company are heard in this House. I can assure him that Ministers take very seriously the points that he has raised, and that I look forward to visiting Gloucester.

School Buildings (Alnwick)

1 pm

Sir Alan Beith (Berwick-upon-Tweed) (LD): In March 2004, when he was Chancellor, the Prime Minister made an important promise. I heard him say:

"Our capital investment allocations will ensure for every constituency in the country that by 2015 every secondary school can be refurbished or rebuilt with world class technology in every school and the best state of the art learning support in every classroom."

He has not forgotten that promise. Indeed, he repeated it at the Labour party conference last year when he said that

"over the next decade"—

that sounds as if the timetable was slipping—

"we will rebuild or refurbish not some but all secondary schools".

I have raised this issue previously in Adjournment debates and questions, but today I want to draw the Minister's attention again to the fact that there is no sign whatsoever that that rebuilding is happening, or will happen, in my constituency. In particular, there is no sign that it will happen in Alnwick, where the buildings of the Duchess's community high school are in a deplorable state, despite the school's great achievements in the standard of education that it provides. Of the other schools in Alnwick, some have serious problems with their buildings—Alnwick South first school, in particular. I understand that the lease for the Dukes middle school has expired, and it is operating on a year-to-year basis.

Let me provide some background. Northumberland is the sixth largest county in England, but with 310,000 people it has one of the smallest populations. Nearly half the population live in 3 per cent. of the land area, in the urban corner. That distribution of population and those small numbers make it a difficult authority in which to provide a full range of schools for every part of the county.

For some time, the education authority has been seeking to change the basic structure, which is a three-tier system with transfer at ages nine and 13. That system was originally devised to suit the buildings of the time and the post-war secondary modern schools, which in most cases formed the middle schools within that system. There are sharply divided views about whether that is a good or bad system. My experience is that although the middle schools worked well, 13 is not a good age for transfer to high school, and a number of problems tend to flow from that. The county has been looking to restructure the system, but that is not really the reason why we have problems in replacing the Duchess's school in Alnwick, and the other schools in the town.

Let me explain the problems in more detail. The main site of the Duchess's high school—which incidentally is one of only three secondary schools in my constituency—is made up of buildings from the 1950s and 1960s. It is on a split site, which I will talk about in more detail in a moment. The school was built for 900 pupils but now has 1,131. The dining hall seats 200 people, but over 1,000 have to use it in the space of a lunchtime. The fire certificate for the hall gives 300 as the maximum number, but that will not even accommodate the entire sixth form for an assembly. There are 13 mobile classrooms; 13 science teachers share eight science labs. The heating system is old and inefficient, which adds massively to school running costs, particularly when fuel prices go up. It would be an expensive system to replace, and that might not be a sensible use of money when we are all hoping to see the school housed in completely new buildings.

As I said, the school is on a split site, which creates enormous problems. Many things, such as caretaking and cleaning provision, have to be duplicated. There are two boilers, both of which are ancient and in need of replacement. Much time is lost by staff and students in moving between buildings; pupils lose about an hour a week of teaching time in transferring between the two sites. There are great difficulties in timetabling across the two sites. There are safety problems because students have to cross two streets when going between the two sites. In bad weather, students who change sites twice a day might spend a large part of the day in wet clothing, which is not conducive to learning or to maintaining a good environment in the school. The Bailiffgate building is a four-storey Georgian building built as a domestic residence, which is in poor condition. The music rooms, one of which is a cupboard, are not soundproofed or suitable for teaching. The building is not compliant with the Disability Discrimination Act 1995—it is a profoundly unsatisfactory location in which to be carrying out education.

Land has been identified for a replacement school. Within the local community, there is a clear understanding that that is where the school needs to be—not just the Duchess's high school, but an education campus that accommodates a number of the other schools on the same site. There have been discussions with the biggest landowner in the town, the Duke's estate—Northumberland Estates—but those have not reached a conclusion or brought about an alternative solution to the normal ways of solving the problem of replacing a school.

Ironically, the school's academic success is a handicap to getting its buildings replaced. Teachers and pupils achieve remarkable results in an unconducive environment, but that success tends to mean that the school does not appear in the right column in the figures that are necessary to get on the various schemes.

Ofsted describes the Duchess's high school and specialist college as a

"good and improving school with outstanding features. Students make good progress in their studies, and the care, guidance and support they receive is excellent…Personal development is excellent and the school has other strengths such as the partnerships with parents and links with other schools. There are many examples of students making very strong contributions to the community, for example through music, drama, and vocational course activities.

Leadership and management are good. Senior managers are steering the school well and capacity to improve is very good. The governing body monitors the school's performance and makes sure it continues to move forward. Resources are effectively deployed to achieve good value for money. Parents, staff, and students are highly concerned about the accommodation and say many aspects are no longer fit for purpose.".

In the last month or two, the school has been badly affected by the loss of teachers who died suddenly—one used to teach with my wife and it was a sudden and unexpected death. Two former students, both teenagers who had recently left school, were killed in separate road accidents. That has been a very sad experience for the school, and the school's management team have been praised for the way that they have handled that difficult situation.

[Sir Alan Beith]

There is enormous community concern about the state of the school, and support for new buildings at the Greensfield site, which adjoins excellent sports facilities alongside the cricket, football and rugby clubs. There is a recognised way forward with a site that has been identified, and community support.

So what do we do? There are a number of possible schemes through which the school could be taken forward. Building Schools for the Future is the centrepiece of the Government's programme for replacing schools. However, the Duchess's high school tends to do badly in that programme, as it is predicated on results and the school receives good results. That scheme is also predicated on deprivation, and although the school sits alongside the most deprived area in the Alnwick district, the overall catchment area is not deprived enough to rate highly on the scales that are used.

What is the situation with Building Schools for the Future? Northumberland county council submitted an expression of interest to Partnerships for Schools in November 2008. Since then, it has been told that it comes 31st in the ranking order for future waves, but apparently it has not heard anything further about how it should start to engage with the BSF programme. We are not even at stage zero of the BSF process, and stages zero and one take between two and three years to carry out.

The Duchess's high school is part of what is called a hard federation. The Duchess's high school, Lindisfarne middle school, the Dukes middle school and Alnwick South first school have one governing body. Theoretically, that should make it easier to move to one site, and whether that happens in the existing three-tier structure or a reorganised structure, such a decision is not an impediment to going ahead. Building can proceed on the site whether or not reorganisation has been agreed on.

If we cannot act through Building Schools for the Future, what are the alternatives? The national challenge programme is similarly restricted, and once again, the Alnwick schools do too well academically to qualify. What about the academy system? Again, that possibility has been explored locally, but when a possible academy solution was explored, it turned out that the locality was not deprived enough. Although academy schools went ahead in the south-east of the county—where they were quite controversial, and there was considerable opposition to the scheme—that route was also closed to us.

The education authority then considered alternative ways to find the capital necessary to carry out the rebuilding. Its medium-term capital programme for 2008-09 to 2011-12 included £33 million for investment in schools in Alnwick town. The inclusion of the scheme in the capital programme was based on the assumption that it could be financed through a combination of land sales and county council borrowing, but the current financial and economic situation has had a significant impact on the scheme. The downturn in the housing and land markets means that developers are not acquiring sites, which has had a serious effect on the value of the county's asset portfolio. It would not be sensible for the county to dispose of land assets when prices are at an historic low. At the same time, the council is facing the need to make significant revenue savings in the medium term, so it is less able to provide revenue funding to support significant borrowing in its capital programme. That has affected any financing of Alnwick schools directly from the county's programme and land sales.

The authority has taken no decisions about the future structure of Alnwick schools. It has said that it will reconsider its reorganisation programme, Putting the Learner First, for the Alnwick pyramid, but it will not spend money on doing so or raise expectations of progress unless it can identify the money for building the new school on which any reorganisation would depend. Again, however, I insist that that need not be a barrier to progress on the building of a new school. That can go ahead regardless of the future structure, because the age range would be on the same site in either form of solution.

The previous Schools Minister promised that he would visit the Duchess's school, but was unable to meet that promise before completing his period in office. He has now been moved to other duties. We need a ministerial visit, and I am hopeful that the Minister will agree to one, so that Ministers can see for themselves how difficult the situation is. I am glad that the Minister of State is here to reply to this debate. Will she identify how we can make progress in securing the implementation of the Prime Minister's promise? The Prime Minister clearly believes that every secondary school in the country should be rebuilt or refurbished within a period that requires a decision to be made now if Alnwick is to fall within it. Unless we make a decision soon, we shall reach the end of the period that he identified only last year without doing so.

Can either Building Schools for the Future or the academy scheme be interpreted so as to accommodate a situation that clearly requires action? A school in as poor a physical condition as the Duchess's high school cannot be expected to continue in that way, and it would be negligent in the extreme if clear plans were not made to replace it with a school that serves its purpose, is efficient to run and does not involve unnecessary maintenance costs, which will mount greatly the longer the school stays on its present site. How will that be achieved? That is the question that the Minister must answer for us. We are running out of time to get an answer.

1.13 pm

The Minister for Children, Young People and Families (Dawn Primarolo): It gives me pleasure to reply to this debate on behalf of my hon. Friend the Minister for Schools and Learners.

I will return to the point about a visit to the constituency of the right hon. Member for Berwick-upon-Tweed (Sir Alan Beith). I congratulate him on securing this debate and on raising this important topic again. I have no quibble with him. As he has rightly said, and as I know from his speeches in the House, he is absolutely committed to ensuring the highest standards for the schools in his constituency. The Government share that ambition. Like him, we believe that all pupils should have access to a truly world-class education in truly world-class schools, and I shall return to the points that he has raised. As he acknowledged, that is why the Government have undertaken an unprecedented

programme of investment in our schools through, for example, Building Schools for the Future, the biggest Government investment in school buildings for five decades. As he has said, one of the schools in his constituency was built during the previous period. We are now trying to catch up after that time of no action.

Last year, tens of thousands of pupils started term in new buildings or new schools. The number of new or refurbished schools is at its highest in at least 30 years. More than 20 of those schools came through Building Schools for the Future. In total, 78 BSF schools are now open. Local authorities have reached a financial close on a further 35 deals covering BSF projects, and contracts have been signed to a value of more than £3.5 billion.

In addition, almost 1,000 secondary schools are developing plans for modernisation, with around 115 new or remodelled schools anticipated to open in 2009-10 and 200 in 2011-12. After decades of under-investment in school buildings, we are saying to children that their learning environment matters and that their future is worth investing in. Over the next 15 to 20 years, BSF will help to improve the life chances of more than 3 million young people. I know that the right hon. Gentleman recognises that it is not just important to make finance available, because it takes time to move through every single school and piece of estate in this country.

The right hon. Gentleman mentioned the Duchess's community high school. It has some temporary classrooms, and many of its buildings date back to the '60s or even before. Suitability data for the school show some shortcomings, to which he has referred, but they also suggest that the classrooms are in fair condition. Maybe they are not in the condition to which all of us would aspire, but they are certainly in fair condition. Likewise, Berwick high school's buildings are generally in fair to good condition, and no significant shortcomings were identified in that school through the suitability study.

Most of the right hon. Gentleman's comments concerned the Duchess's school, which remains strong, has good GCSE results and has successfully introduced post-16 provision. The school was also a pilot for the extended schools programme, which helps place schools at the heart of their communities. Again, as he has said, that is supported by the local community.

Although the previous Minister for Schools and Learners hoped to visit the right hon. Gentleman's constituency, he moved to another post in government before that was possible. However, the new Minister for Schools and Learners is enthusiastically planning a visit as soon as his diary allows. I am sure that the right hon. Gentleman will want to accompany him, so it will be necessary to bring the diaries together. As he has said, the school has enormous strengths. Sadly, it will have to draw on those over the coming months, because it has recently been struck by tragic events.

As the right hon. Gentleman knows, it is for the local authority to set the priorities for BSF funding in Northumberland. The Government cannot and should not dictate those priorities from Whitehall. I know that he is a passionate supporter of such devolved responsibility. Northumberland has revised its expression of interest in BSF funding. Bedlingtonshire community high school, Ashington high school and St. Benet Biscop Roman Catholic high school were prioritised by the local authority on the basis of local deprivation and educational achievement.

As with all BSF projects, Northumberland's first priority project has been assessed against social and educational need. That is done to prevent the most vulnerable children from falling behind their peers, and I know that the right hon. Gentleman supports that aspiration. Unfortunately, not all schools can benefit at the same time. However, I am pleased to say that three schools in his constituency—Berwick high school, Coquet high school and the Duchess's school—have been chosen to form Northumberland's next BSF project. He will be able to discuss that with those who are responsible locally and with the Minister for Schools and Learners during his visit.

There has already been significant capital investment in Northumberland's schools that is not linked to BSF, and more is being provided. The county will receive more than £65 million in capital grants and supported borrowing between the past financial year and 2010-11. More than £16 million of that money is being invested in the modernisation of school buildings and the primary capital programme. A further £23 million will be invested in the devolved capital formula, which is allocated to schools for investment in their own capital priorities. As an unmodernised secondary school, the Duchess's school will receive £18,500 plus £94 per pupil per year.

The level of per pupil funding in the right hon. Gentleman's constituency should be compared with the national average. The latest figures for this year show that Northumberland receives £3,850 per pupil, which is a significant increase in real terms compared with 1997, although it is slightly below the national average of £4,218. As he has suggested, the main reason for that difference is that finance is targeted at areas with more disadvantaged pupils or a more sparsely distributed population. We must ensure that smaller rural primary schools, which are more expensive to run, are supported. Northumberland receives £3.3 million through that grant allocation.

Sir Alan Beith: Northumberland has both those problems. It has high levels of deprivation, particularly in the south-eastern corner, and as sparse a rural distribution as is possible over the rest of the county. The funding system seems to work in such a way that the county qualifies as neither one nor the other. It does not get the maximum benefit from the funding formula that it would get if it consisted of entirely the one problem or the other. I hope that the Minister will address that point.

Dawn Primarolo: I understand the right hon. Gentleman's point. In Northumberland, 9.6 per cent. of the dedicated schools grant is for disadvantaged pupils, compared with a national average of 12.1 per cent. He has acknowledged that the pockets of deprivation in Northumberland are fairly small compared with the rest of the country. The Government must decide how to weight such funding. He may wish to discuss that matter with the Minister for Schools and Learners. As the Minister with responsibility for children's centres, I find that deprivation is often felt more strongly within communities than is demonstrated when compared with

[Dawn Primarolo]

deprivation across the country. Such pressure points inevitably emerge when weighted formulas are used.

The right hon. Gentleman asked about the programme date for the next phase of Building Schools for the Future. I cannot give the assurances that he seeks this afternoon, but the Minister for Schools and Learners will discuss those matters with him. I have mentioned the capital moneys that are available to the local community, and I am sure that he is pressing the local authority on further investment in the schools that he has identified.

The right hon. Gentleman went on to discuss the desire for the development of an academy in his constituency and said that strong partners are waiting in the wings until consideration of such a project comes forward. As he knows, the criteria that usually trigger academies are the national challenge and being near the threshold for poor performance, neither of which exist in the schools that he has identified. In one sense, that is a matter for celebration, because the schools have good achievement. However, I understand his frustration, because of the enthusiasm of local parents and partners for an academy programme. He will be able to discuss that matter in detail with the Minister for Schools and Learners during his visit.

Sir Alan Beith: The Minister has mentioned the decisions that the local authority can take. However, the local education authority finds that it has to tick the boxes to qualify for such programmes. In making decisions about the limited capital available to it, it must take account of how a viable project can be unlocked. Such projects depend on precisely the factors that she has described. How can the Prime Minister's pledge be met in areas that do not tick the boxes for academies or Building Schools for the Future?

Dawn Primarolo: The Prime Minister's pledge is being met because the Government are investing. We are starting with the schools that need to make the greatest progress. As the right hon. Gentleman knows, all decisions are accountable locally or nationally and are made against clear, transparent criteria. We must all accept that we should start with the schools that need the greatest investment. None the less, we must not leave other schools behind.

European Court of Justice Judgments

1.30 pm

Colin Burgon (Elmet) (Lab): It is good to see you in the Chair, Mr. Martlew, and to see that the Minister is present. I would like to use our last day before the recess to discuss an issue I have raised in the past: the free movement of labour and the impact of that policy on working people in this country as enshrined in the EU, which, as we all know, is dominated by neo-liberal ideas. More specifically, I want to look at the economic and political infrastructures and the political attitudes that allow and promote the free movement of labour without proper safeguards for working people in their respective countries.

In particular, I would like to talk about the posted workers directive and four European Court of Justice rulings that give clear precedence to freedom for big business in the EU over fundamental collective and trade union rights. I shall discuss the wider impact that those rulings can have on ordinary working people and will, in effect, argue that the four rulings construct serious obstacles to trade unions in exercising their right to freedom of association, collective bargaining and collective action.

As a quick preface, before I talk in some depth about the ECJ cases, I would like to make it crystal clear that my concerns are both for our own workers, who as we have seen are having their already low wages held down by the status quo, and for migrant workers, whose work in this country is often very low paid and is undertaken in what can only be described as disgusting conditions. In short, I do not want any group of workers to be exploited, and I am sure the Minister would agree with me on that.

Everyone talks about the posted workers directive, but no one seems to be analysing it. The directive's preamble makes it clear that it was introduced in contemplation of

"the transnational provision of services, prompting a growing number of undertakings to post employees abroad temporarily to perform work in the territory of a Member State other than the State in which they are habitually employed".

Effectively, that relates to employers moving workers into other countries. In those circumstances, it recognises that

"any such promotion of the transnational provision of services requires a climate of fair competition and measures guaranteeing respect for the rights of workers".

On reading further through the posted workers directive, the tone becomes even more positive. The directive's net effect is to protect workers against what we call social dumping and a race to the bottom, and the requirement that standards should be levelled up rather than levelled down. Unfortunately, the unelected, unaccountable, unreformable European Court of Justice chose to interpret the directive in a different way and, in its view, the PWD provisions had a maximum rather than a minimum standard. So, once again, neo-liberal ideas have permeated the very institutions of the EU.

The posted workers directive has become a politically volatile issue following the well-publicised disputes at the Lindsey oil refinery and other such sites. The directive does not necessarily apply to all terms of employment, but it does apply to pay. Any employer posting or, let us

get the language straight, sending—as someone would post a letter, they would post a worker—workers to the UK must observe at the very least the national minimum wage, although many of us argue that that falls some way short of a living wage, let alone the established collectively bargained wage that might be applicable in any particular sector of the labour market.

It is worth looking at the Lindsey dispute for two reasons: first, we will see more actions of that kind in the future and, secondly, much nonsense was talked about the dispute by many in my own party, who could not face up to the real issues involved and who retreated behind cheap and inaccurate descriptions of the workers being motivated solely by xenophobia. In late January/early February 2009, construction workers walked out in protest at the use of posted workers by the Italian company IREM, which was a subcontractor to a UK company that, in turn, had a broader subcontract to a US company that was the holder of the original primary construction contract.

Workers on that site rightly expected that those working there would be paid in accordance with the national agreement for the engineering construction industry. The unions were concerned that although the posted workers were being paid the minimum wage, it was below the terms of the national agreement. That is an important point, and is absolutely central to this issue. Such a situation gave the Italian company an unfair advantage and also undermined the national agreements in place in that workplace. The concern of the union related to hours of work, travel allowances, auditing of wages and the wage levels themselves. We all know that ACAS was brought in and that a muffled silence ensued. There was confusion among all parties. However, it is worth noting that ACAS was unable to establish in fact what rates were being paid to the posted workers.

The problem of the PWD arises where there are convoluted clauses that allow varying interpretations of whether collective agreements are declared universally applicable. In the United Kingdom's case, there is no system for declaring that collective agreements are universally applicable. That is something we should be looking at. However, it is an option for member states, such as the United Kingdom, to base themselves either on collective agreements that are generally applicable to all similar undertakings in a geographical area or an industry concerned, or on agreements that have been concluded by the most representative employers' organisations and trade unions at national level. It is therefore clear that nation states can act to protect their work force from that undermining of their terms and conditions. However, the UK Government have not done so.

Professor Keith Ewing, an esteemed expert on such matters, recently stated:

> "The British government has not taken the power in legislation to use collective agreements for this purpose, even where appropriate agreements do exist".

So in reality, in terms we can all understand, the national minimum wage, which, as we know, is itself very difficult to enforce and is well below a living wage rate, remains the only binding reference point for companies posting—sending—workers to Britain. So the protection and support that could ultimately be offered to workers is not being given by the Government.

The negative interpretations of the PWD are made even worse by the four European Court of Justice rulings that I have referred to and will now look at. Generally, those rulings sanction social dumping—in other words, temporary or transitory movements of labour whereby employers use workers from one country and send them to another country where labour costs are usually more expensive. Doing so undercuts those costs, thus saving money and increasing profits, but it also undermines collective agreements and prevents trade unions from taking industrial action to protect their members' terms and conditions. Any politician worth his salt would also recognise that such a situation creates a toxic mix of racial tensions, as we have seen in this country.

Although unions are restricted, businesses are free to restructure and create a cross-border element, so that they can take advantage of freedom for them to move goods and services, capital and even workers in the EU. I would like to consider the Viking judgment—I am sure you will know about that, Mr. Martlew, but I will go over the facts again. That Finnish company wanted to re-flag its ship and replace its Finnish crew with an Estonian crew, which was, surprisingly, on much lower wages. The Finnish Seamen's Union threatened industrial action in protest at that, so the company went to the European Court of Justice. The Court decided that it can review whether industrial action is justifiable and, in that specific case, it determined that industrial action was not proportionate. Of course, that brings serious uncertainty into what view a court might take of the merits or otherwise of industrial action.

That ruling is a crushing blow to trade unions, in that it holds that the right of business to the freedom of establishment and the freedom to operate must take priority over the right of trade unions to take industrial action to safeguard the interests of their members. It is an explosive judgment. It has also raised the prospect of employers being able to claim for unlimited damages against a union even where industrial action is legal under its own domestic law. To those who know labour history, that is the European equivalent of the Taff Vale judgment.

One week after the Viking case, we got the Laval judgment, which effectively ruled that trade unions could not take industrial action to compel a Latvian company operating in Sweden to observe the terms and conditions of collective agreements in Sweden. Laval involved a Latvian company that posted, or sent, workers into Sweden on Latvian terms and conditions, seriously undercutting Swedish collectively bargained terms and conditions. The Swedish unions responded by taking industrial action that was lawful under Swedish law. Laval claimed, through the ECJ, that the unions' arrangement of a boycott of supplies to the Vaxholm school site restricted their freedom of business. The Court took the view that where the posted workers directive applies, it is unlawful for unions to organise industrial action to agitate for terms and conditions above the legal minimum available in that country.

The Ruffert ruling—I hope that I am pronouncing it right, Mr. Martlew; I will take your guidance on that—concerned a public contract for building a prison, which was awarded to a German company and then subcontracted to a Polish company. The tender required that the relevant companies, including any companies that were

[Colin Burgon]

subcontracted to do the work, should pay the rates in the collective agreements for that region on building and public works contracts. The Polish company was paying a lower rate and was fined for doing so. The posted workers directive states that minimum rates may be set by collective agreements that are either universally applicable, or that apply to the whole sector or region. However, the ECJ found that the collective agreement in this case did not meet either of those criteria, and that the directive therefore prevents public contracts from requiring compliance with collective agreements of that kind. In reaching that judgment, the Court interpreted the directive extremely narrowly and ignored the procurement directive, which allows for social clauses.

The Luxembourg case demonstrates another measure that could have only a negative effect on working people. The European Commission took Luxembourg to court for making its own domestic legislation applicable to workers from other member states who were posted there. Nearly 40 per cent. of workers in Luxembourg come from outside the country, but the ECJ ruled in favour of the Commission, and decided that Luxembourg had gone too far in implementing the posted workers directive in relation to requirements for maximum work periods and minimum rest periods. Luxembourg must now change its law to enable the use of foreign workers to undermine the conditions of indigenous workers.

People might be forgiven for thinking that those four cases are detached from or peripheral to us in the UK, but they are not. Those decisions send a clear, green, empowering signal to employers to resist any compulsion to comply with any undertakings other than those relating to the base minimum wage. However, as a story about fruit pickers in last week's *Independent* showed, even compliance with the minimum wage is undercut by large suppliers to the major supermarkets. In essence, this discussion is about the direction of travel and what our Government are prepared to do to protect some of the most vulnerable workers in our labour markets from exploitation and from the systematic low pay that the machinations I have talked about not only allow but positively encourage. It can be only a matter of time before large employers that post EU workers in the UK attempt to undercut and freeze the lowest possible wage it is legal to pay to British and migrant working people. Too much of what comes out of such rulings allow that to happen.

The Labour Government, who, to the howls of big business and the Conservative party, gave us the national minimum wage as a means of protecting low-paid workers, must reconsider this issue. The ever-changing, flexible labour markets with which some people are so enamoured leave working people vulnerable to exploitation and low pay, so we have to consider what continuing measures we can and must take to offer protection to the people who need us most—those whom we used to describe as our core vote. We must look at the EU and its myriad legislative mechanisms, and check constantly that they are consistent with our values of social justice and rights for workers—at least, I hope we have those values.

I know that the Minister wants to spring into the debate and answer some of the questions I am throwing up, so I shall put some specific questions to him. First, will he make the bold and responsible move of considering an urgent change in domestic law to guarantee that the posted workers directive is implemented to the fullest extent possible in order to require the minimum wage payable by contractors to be higher than the minimum set down under the National Minimum Wage Act 1998? I am told that that could be done easily by requiring posting employers—to use the correct legislative terminology, or bosses who send workers to this country—to comply with wage agreements set by appropriate collective agreements that apply to particular sectors in given geographical areas. The Minister will be aware, because he will have done his research, that I asked the Prime Minister about precisely this point on 4 February 2009, when I asked what measures were being taken to improve the posted workers directive. The Prime Minister said that some work was being done, but I have not been updated about it since; perhaps the Minister can update me.

Secondly, does the Minister agree that in relation to the posted workers directive, we should introduce a system of declaring collective agreements as universally applicable? Thirdly, is he supportive of the European TUC's draft social protocol as a way of moving forward on protecting working people?

Fourthly, the Minister will be aware that the Government will submit to the International Labour Organisation, by 1 September, their report on ILO conventions 87 and 98. Will they express concern that the ECJ rulings mean that it sees trade unions as regulatory bodies that are equivalent to an arm of state, which is in direct contradiction to the underlying purposes of the freedom of association? Will they also say that the right of trade unions to take industrial action is being subordinated to overriding commercial interests so that the trade unions will always have to be justified as permitted restrictions to those freedoms? What will they say in their report to the ILO about compliance with ILO conventions 87 and 98 by reference to the impact of the four ECJ judgments on the UK? If the Minister is not in a position to respond to those points today, I am sure he will write to me.

Let me draw my remarks to a close and allow the Minister to respond. The ECJ decisions come at time that is crucial to the European unification process. We have increased economic integration together with reduced social protection; that is a highly explosive combination. Radical steps have to be taken by those who support the European project. The support of European citizens and workers will be secured only if the fundamental importance of social progress is at the forefront of all policies. Working people want a social Europe, and they will reject a market Europe.

1.48 pm

The Minister for Business, Innovation and Skills (Mr. Pat McFadden): It is good to see you in the Chair, Mr. Martlew. Like my hon. Friend the Member for Elmet (Colin Burgon), I, too, welcome you. I should also like to express my gratitude to him for securing this debate, because the European Court of Justice rulings that he has discussed have generated much discussion in recent months. I am glad to take the opportunity to set out the position and perhaps even to shed a little light on what can be a complicated area of legislation.

As my hon. Friend said, the underlying context for the Court's judgments is the posted workers directive, which came into force some 10 years ago. It operates

throughout the EU and allows companies to post their workers to another member state on a temporary basis in any sector of the economy. Its intention was to protect the posted worker and to ensure that he or she had access to at least the minimum conditions applying in the host country, rather than carrying what may be significantly poorer employment rights and standards from the country of origin.

The directive clearly states that companies must abide by the minimum worker protections in the host country, whether defined by national law or a universally applicable collective agreement. In the UK, that means that people are entitled to a range of universal protections that this Government have worked to develop: the national minimum wage, default limits on working hours, annual holidays, health and safety legislation and equality legislation.

My hon. Friend went through the judgments in some detail. I hope that I will not be too repetitive if I touch on several of them. As he said, the Viking case related to a Finnish operator that wanted to register its vessel to sail under the Estonian flag. The Finnish unions opposed that because the Estonian-Finnish crew would not need to be covered by the provisions of the Finnish collective agreement, and Viking sought an injunction against the unions' action. The Court ruled that the right to strike is a fundamental one, as recognised by the charter of fundamental rights, and that exercising the right can, as a matter of principle, legitimately interfere with single-market principles. But it also concluded that, in this instance, the extent of such interference went beyond what could be considered appropriate or proportionate.

As my hon. Friend said, the Laval ruling relates to a Latvian company that won a contract to refurbish a school. The company declined to sign the Swedish collective agreement, and the Swedish trade unions blockaded the school site. Laval's application to the Swedish court was referred to the ECJ, which reaffirmed its conclusion that the right to strike was a fundamental one but also concluded that, in this instance, the unions could not insist on Laval's participating in or being bound by the Swedish collective agreement because it had not been declared as being of universal application. My hon. Friend referred to that in his speech.

The Ruffert case was not so much about the right to strike as about the application of collective agreements. In that case, the Court found in favour of the company, again on the grounds that the collective agreement was not of universal application because it applied only to public sector contracts and only in one part of Germany.

All those cases deal with the balance that the directive seeks to strike between the freedom to provide services and the protection of workers' rights. The issue then is the real interpretation of the judgments, and how we should respond. Many trade unions, parts of the European Parliament and my hon. Friend have expressed concern about the rulings. The contention is that they have altered the balance of industrial relations, tipping it away from the right to strike and towards the freedom to provide services. As a result, some people have called for a review of the directive and demanded that the EU look again at the balance between workers' protection and the freedom to provide services.

Demands around the directive have also been fuelled by the recession, in which job competition is inevitably much tougher than during better times. Such issues of course become more urgent when people are losing their jobs. We saw some of the effects of that in the industrial unrest earlier this year, to which my hon. Friend referred, which took place after the loss of several thousand jobs in the construction engineering sector.

I do not want to get too side-tracked by those disputes, but the contention was that the Italian posted workers were being paid less than the UK workers. The Government asked ACAS to step in. We wanted to try to get to the bottom of the matter, and to use the good offices of ACAS to help resolve a situation that involved a heated industrial dispute. I quote from ACAS's conclusions:

"Acas' inquiry has found no evidence that Total"—

the principal employer on the site—

"Jacobs Engineering"—

the principal subcontractor—

"or IREM"—

the Italian company—

"have broken the law in relation to the use of posted workers or entered into unlawful recruitment practices. We have also received assurances from management that they will abide by NAECI agreement"—

which is the collective agreement governing workers in the construction engineering industry. What was contested was whether the collective agreement had been broken in the circumstances, and ACAS found that it had not been.

The judgments have given rise to concerns, as I said, particularly among trade unions. Through significant improvements to the position of people at work, we have over the years enhanced the protection to which posted workers in the UK are entitled. They are entitled to the protections in legislation on the national minimum wage, working hours, health and safety and so on.

Colin Burgon: I am conscious of the time, and I do not want to go over ground that has already been covered. I asked the Minister several specific questions to which, given the time, he obviously will not be able to respond verbally. Could I have his assurance that he will come back to me with written replies to the questions that I put to him?

Mr. McFadden: I am, of course, happy to write to my hon. Friend. The principal question that he asked, in several ways, was whether the Government would declare collective agreements universally applicable. The issue is important, because the existence of such a system will affect whether the rulings have a particular effect in individual countries.

We do not have a tradition of universally applicable collective agreements. The tradition supported up until now by trade unions has been for a voluntarist approach on collective agreements, which means that they are not applicable to those who do not sign them. I counsel some caution in this debate on posted workers, because that would be true of contractors from another country and also contractors from within the UK.

Therefore, I am glad that my hon. Friend said that he did not want this to be a debate about migrant workers. The interpretation of our collective bargaining law is

[Mr. McFadden]

not concerned with migrant workers but with the parties to individual agreements. I hope that gives him some guidance on the issue.

What else has happened in Europe on this matter? I was present at the Employment and Social Affairs Council—my hon. Friend referred to his question on this to the Prime Minister some months ago—at which the UK Government supported the Commission's proposal to establish a high-level expert group to look at the operation of the posted workers directive. The group has been established and has begun to meet—I believe that it has met twice—and research has been commissioned into the operation of the directive. At the same meeting, we also supported the suggestion that social partners at a European level should enter into dialogue on the effect of the Court's judgments that my hon. Friend outlined in his speech. Again, I believe that a couple of meetings have taken place. We have supported dialogue at the European level on both those fronts.

What we want to see going forward is, of course, workers being treated fairly in the workplace, but we also want to keep the open, outward-looking trading stance that has benefited the UK and workers in the UK. There are more British posted workers abroad than there are posted workers in Britain, according to information from the EU. In conclusion, we absolutely want fairness at work, but we also want openness in trade and the free movement of people that has benefited our economy and many other countries' economies, too.

2 pm

Sitting adjourned without Question put (Standing Order No. 10(11)).